

**02301.9805-CL-00048**  
~~02301-9805-CL-00048~~

1 IN THE CRIMINAL COURT OF MADISON COUNTY, TENNESSEE

2 AT JACKSON, DIVISION I

3 STATE OF TENNESSEE

4

5 VS.

No. 96-589

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7 JON DOUGLAS HALL

8

9

10 TRANSCRIPT OF EVIDENCE

11 FEBRUARY 4, 1997

12 VOLUME II

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AMY MAYS

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OFFICIAL COURT REPORTER

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MADISON COUNTY COURTHOUSE - THIRD FLOOR

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JACKSON, TENNESSEE 38301

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1           (On February 4, 1997, court was  
2           resumed at 8:30 a.m.; and out  
3           of the hearing and presence of  
4           the jury, the following proceedings  
5           were had to-wit:)

6           THE COURT: Bring the jury in.

7           DEFENDANT HALL: Your Honor, I would like to  
8           dismiss Jesse Ford from my case.

9           THE COURT: What you've had is, in times past  
10          we've appointed the Public Defender to you and you  
11          became dissatisfied with him, and I at your request  
12          replaced those with two more lawyers, Mr. Smith and  
13          someone else, and then you became dissatisfied with  
14          them.

15          DEFENDANT HALL: Well he --

16          THE COURT: Wait just a minute now. I'll let  
17          -- just 'til I get through. And then I then appointed  
18          a third set of lawyers, had you transferred here where  
19          that you'd be available to these people, and now in the  
20          middle of the trial to say you want to discharge a  
21          lawyer is probably too late. But on what grounds do  
22          you want to discharge him?

23          DEFENDANT HALL: Well, because we made that  
24          issue back in chambers on --

25          THE COURT: What issue?

1                   DEFENDANT HALL: On a suppression of  
2 statements and the illegally seized evidence at Jackie  
3 and Darlene's residence, and in opening statements he  
4 made mention of that. I can't trust -- I can't have a  
5 Benedict Arnold on my defense team.

6                   THE COURT: Well what do you say he said? I  
7 heard -- I sat here and I was in the same courtroom and  
8 I heard everything he said, and I found nothing wrong  
9 with what he said.

10                  DEFENDANT HALL: He made reference to the  
11 statements that --

12                  THE COURT: What did he say? What did he  
13 say? What is it Mr. Ford said?

14                  DEFENDANT HALL: I believe you'll need to  
15 check the record, but it was said.

16                  THE COURT: Well your motion to have him  
17 excused is overruled, and you can note your exception,  
18 and sooner or later, should you be convicted, then  
19 you'll have a right to take an appeal from my ruling.  
20 Have a seat.

21                  DEFENDANT HALL: Let me clarify this lawyers  
22 issue. The first two lawyers quit.

23                  THE COURT: Well I don't want to clarify  
24 them. It's too late to talk about them now. You  
25 should have done that before the trial started.

1 DEFENDANT HALL: I have done it.

2 THE COURT: Be seated.

3 DEFENDANT HALL: I want to object to this.

4 THE COURT: Just a minute. I want to say  
5 this to you now again to make the situation clearly.  
6 You're not to make statements in this courtroom in the  
7 presence of the jury unless I allow you to, and these  
8 witnesses -- if you want something asked, you confer  
9 with your lawyers, and if you don't want to do that, if  
10 you misbehave, the law allows me to just take you out  
11 of the room and the trial goes on.

12 DEFENDANT HALL: Your Honor, I'm not  
13 misbehaving.

14 THE COURT: All right.

15 DEFENDANT HALL: But, you know, you're  
16 sitting there making all these rules and stuff about  
17 witness tampering, but I want a motion to voir dire the  
18 jury at the end of these proceedings for the pre-trial  
19 publicity. I want -- Bill and Delere Lambert sat  
20 amongst the jurors the whole time that they were being  
21 seated, and I don't think that that was right. And  
22 when the grand jury was in session, they brought around  
23 -- I believe it was grand jury witnesses in the jail  
24 while I was put in a strip cell, while Jason  
25 Blankenship made off-the-record comments to the jurors



1 as they were walking through.

2 THE COURT: All right, I'll take that into  
3 consideration. We'll take it up after the trial.

4 DEFENDANT HALL: Thank you, Your Honor.

5 MR. EARLS: Your Honor, can I ask for a side  
6 bar on this issue? I think it's important enough we  
7 need to.

8 **(There was a conference at the**  
9 **bench out of the presence of the**  
10 **jury as follows:)**

11 MR. EARLS: Your Honor, he has asked to  
12 represent himself in the past.

13 THE COURT: He hasn't asked to represent  
14 himself to me now, and I'm not going to allow you to  
15 raise it. He may want to raise it, but he hadn't said  
16 that to me.

17 MR. EARLS: But what I'm saying, if he raises  
18 that issue on appeal and they find that that's what he  
19 was asking for --

20 THE COURT: Well, may be, but we're going to  
21 go with this trial.

22 **(End of conference at the bench.)**

23 THE COURT: Mr. Hall, you've requested that  
24 Mr. Ford be dismissed from your -- as one of your  
25 lawyers due to some statement he made in opening

1 statement. Well Mr. Ford didn't make any opening  
2 statement.

3 MR. FORD: Yes, I did, Your Honor.

4 MR. WOODALL: He did in response to mine.

5 THE COURT: He made the response. All right.  
6 But I found nothing wrong with it. And now do you have  
7 any problem with Mr. Ford?

8 DEFENDANT HALL: Well did he waive that  
9 statement motion? Is that the ruling, that he's  
10 waiving that statement motion that we just ruled on in  
11 private chambers --

12 THE COURT: Well if you're talking about the  
13 one --

14 DEFENDANT HALL: -- that you --

15 THE COURT: Just a minute now. If you're  
16 talking about the one where you made some officer or  
17 something like that, why I've already ruled that that's  
18 not going to be admitted. I ruled with you in there.

19 DEFENDANT HALL: Then there should have been  
20 a petition for writ for certiorari on the probable  
21 cause of a preliminary hearing and --

22 THE COURT: That comes too --

23 DEFENDANT HALL: And my motion to dismiss and  
24 abate should be considered.

25 THE COURT: I'm considering it and it came to

1 late. Your motion is overruled.

2 DEFENDANT HALL: Why? It was filed November  
3 8th of '95, before the other motion hearing, and you  
4 overruled it then.

5 THE COURT: Well I'm still overruling it.

6 DEFENDANT HALL: That's all I wanted to get,  
7 was your ruling on it.

8 THE COURT: I've ruled.

9 DEFENDANT HALL: But I believe you're  
10 violating my constitutional rights.

11 THE COURT: In the morning, the Court  
12 suggests you get here about 8:00 if you wish to confer  
13 with your client. Now you can tell him that there will  
14 be a recess at 10:30 and he can write out anything he  
15 wants to or confer with you, but there's 12 jurors and  
16 three more, that's 15 jurors, and we got them up here  
17 and got them here at 8:30, and it's 10 minutes 'til  
18 nine. So in the morning now we'll start on time, and  
19 if you want to confer with him, that's fine.

20 And, you, sir, if you've got anything you  
21 need to take up with your lawyer, they'll be here  
22 before trial, and if you want to take it up, you tell  
23 them then. You understand?

24 DEFENDANT HALL: Yes, sir.

25 THE COURT: All right. Bring the jury in.

1                   (The jury was brought into open  
2                   court, and the following proceedings  
3                   were had to-wit:)

4                   THE COURT: All right, General, you may call  
5                   your first witness.

6                   MR. EARLS: The State calls Chief Bingham.

7                   **JERRY BINGHAM** was called and being first duly  
8                   sworn, was examined and testified as follows:

9                   **DIRECT EXAMINATION**

10                  **BY MR. EARLS:**

11                 Q                 State your name for the record, please.

12                 A                 Jerry Bingham.

13                 Q                 How are you employed?

14                 A                 Henderson County Sheriff's Department.

15                 Q                 Pursuant to your duties with the Henderson  
16                 County Sheriff's Department on or about the 29th day of  
17                 July of 1994, did you participate in the investigation  
18                 of a death that occurred in Henderson County?

19                 A                 I did.

20                 Q                 And did you go to the scene of that death?

21                 A                 I was the first on the scene.

22                 Q                 Briefly describe for the Court what you  
23                 observed at the scene.

24                 A                 I arrived on the scene approximately 11:55.

25                 Q                 Is that in the night or morning?

1 A It was in the night, p.m. After getting out  
2 of the car, there was an older gentleman up on the  
3 blacktop at his house out in the yard. When I got out  
4 of the car he hollered and told me to go down by the  
5 pool.

6 Q Did you go down to the pool?

7 A Yes.

8 Q And when you got to the pool, what did you  
9 observe?

10 A I found the body in the pool.

11 MR. EARLS: Your Honor, may I approach?

12 THE COURT: Yes, sir. No, you can hand it to  
13 the officer. They'll ...

14 Q I show you a photograph, Chief Bingham, and  
15 ask if you can identify that.

16 A This is the body that I found.

17 MR. EARLS: Your Honor, I'd ask that that  
18 photograph be made an exhibit to this witness'  
19 testimony.

20 THE COURT: Does that fairly and accurately  
21 represent the condition that was out there when you  
22 found it?

23 THE WITNESS: That's the condition I found  
24 her.

25 THE COURT: All right, let it be entered,

1 marked and entered.

2 (Exhibit 1 was marked and entered.)

3 Q Did you see any children at the scene?

4 A No, sir.

5 Q After you observed the body what did you do?

6 A Called EMS.

7 Q Did they arrive while you were at the scene?

8 A Yes, sir.

9 Q How long did you stay on the scene?

10 A Well I called the EMS, called the  
11 investigator, so it was probably -- It was 1:00 before  
12 I left. After the investigator had got there I left.

13 Q Do you know who the investigators were?

14 A Brent Booth.

15 Q And did you preserve or protect the crime  
16 scene until they arrived?

17 A Yes, sir.

18 Q That was in Henderson County?

19 A Henderson County.

20 MR. EARLS: Pass the witness.

21 - - - - -

22 **CROSS-EXAMINATION**

23 **BY MR. MAYO:**

24 Q Chief Bingham, did you do a crime scene  
25 search?

1 A No, sir.

2 Q Who performed that? Do you know, first-hand  
3 knowledge, who performed that?

4 A Investigator Booth.

5 MR. MAYO: Thank you.

6 (WITNESS EXCUSED.)

7 - - - - -

8 BRIAN BYRD was called and being first duly  
9 sworn, was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. EARLS:

12 Q State your name for the record, please.

13 A My name is Brian Byrd.

14 Q How are you employed?

15 A I'm employed with the State of Tennessee for  
16 the Tennessee Bureau of Investigation.

17 Q Pursuant to your duties with the Tennessee  
18 Bureau of Investigation, on or about the 29th day of  
19 July of 1994, did you participate in the investigation  
20 of a death of a Billie Jo Hall?

21 A I did.

22 Q Where was the scene of that death?

23 A It was in Henderson County on Pleasant Hill  
24 Road.

25 Q Now, what time of day or night did you arrive

1 at the scene?

2 A I initially received the call sometime around  
3 midnight. Actually I think I arrived on the early  
4 morning hours of the 30th.

5 Q Upon arrival at the scene, did you go over to  
6 the crime scene area?

7 A Yes.

8 Q And during your process of going over that  
9 area, did you collect evidence and participate in the  
10 making of certain photographs?

11 A I did.

12 Q Briefly describe for the Court what you  
13 observed at the scene.

14 A Primarily there was a house which sat off the  
15 road on top of a small knoll. Inside the house there  
16 was some disarray. Obviously there had been sort of a  
17 struggle in the master bedroom. There was a trail of  
18 skids and blood stains leading down to a pool.

19 Q Now when you say skids, what do you mean by  
20 that?

21 A It would be large obvious -- Obviously there  
22 were like drag marks or disturbances in the dirt that  
23 were abnormal to the other dirt that was around it in a  
24 consistent trail from the driveway down to the pool.

25 Q Did you prepare a sketch of this crime scene



1 area?

2 A I did.

3 Q I'll ask if you can identify that.

4 THE COURT: Mr. Ford, are you familiar with  
5 the sketch?

6 MR. FORD: Yes, sir.

7 THE COURT: Do you have any objection to it?

8 MR. FORD: No, sir.

9 THE COURT: All right, go ahead.

10 MR. EARLS: Your Honor, if we could use the  
11 easel so the jury can observe --

12 THE COURT: All right, get the easel. You  
13 can come around and help him with the easel if you  
14 wish.

15 MR. EARLS: Your Honor, I'd ask that the  
16 witness be allowed to step down and point to certain  
17 areas on the diagram.

18 THE COURT: All right, step down. Stay to  
19 the side now so you won't block the jury's view.

20 Mr. Ford, if you want to come around it'll be  
21 all right.

22 Q Now you have three diagrams to put up here.  
23 Briefly tell us what the top diagram represents.

24 A This is basically a representation of the  
25 lay-out of the residence. You enter from a driveway

1 here. There was a light-colored Chrysler car parked  
2 here, a walk down to a deck and then the residence  
3 which is here (indicating).

4 Q Now, is that to scale?

5 A No, sir.

6 Q What does the diagram in the bottom left-hand  
7 -- the jury's left-hand illustrate?

8 A This would illustrate a basic, again, not to  
9 scale, representation of the house showing the general  
10 lay-out inside of the residence.

11 Q Now in that diagram you just identified,  
12 where is the bedroom you testified to where the  
13 struggle occurred?

14 A It would have been in here (indicating).

15 Q Okay. Now, what is the diagram to the jury's  
16 right?

17 A This right here is another diagram, again,  
18 not to scale, of the bedroom itself where I believe the  
19 struggle had taken place.

20 Q Now, if you will, beginning with this diagram  
21 in the bottom left, the jury's left, describe for the  
22 jury what physical evidence you found in the bedroom.

23 A There was a number of blood stains and  
24 spatters over the room. There was some here in this  
25 corner (indicating), some on the bed. There was a

1 transfer stain on a white wedding gown in the closet  
2 and large amounts of spatter here (indicating) and on  
3 this counter top. You can see it much more clearly on  
4 this diagram where I've illustrated the approximate  
5 locations of the stains.

6 Q Now, moving -- Was any other physical  
7 evidence located in that bedroom with blood on it?

8 A There was an ashtray with a red stain on it  
9 that come back inconclusive, and then there was a  
10 lighter and a cigarette pack on top of the bed.

11 Q Now briefly, using the diagram to the right,  
12 the jury's right, would you describe for the jury what  
13 these items are represented here, these squares, what  
14 they represent?

15 A Of course, this was a bath, and I didn't  
16 notice anything in there but your regular ... This  
17 would be a bed (indicating). There was a comforter on  
18 top of the bed that was twisted and messed up. Here  
19 was some blood spatters (indicating). Of course, here  
20 -- there was an item here (indicating), and I'd have to  
21 look at the list to identify it. Then there was a --  
22 the wedding dress here with a transfer smear on it and  
23 then the stains here (indicating). This was like a  
24 dresser and this was a small bench or a shelf sitting  
25 next to the ...

1 Q Now, if you will, directing your attention  
2 back to the diagram that shows the general outlay or  
3 floor plan of the entire house.

4 A Yes.

5 Q As you exit the bedroom, what room would you  
6 come into, or what area was that?

7 A This would be, I guess, the foyer or the  
8 entry. Here is a living room, and this was an area  
9 where you walk through to go to the kitchen  
10 (indicating).

11 Q Is that all one open space?

12 A Yes, sir.

13 Q Now in that area that you just depicted, that  
14 general open space, did you find any other blood?

15 A There was another blood splotch which was  
16 here and identified as C1 (indicating).

17 Q Was there any other evidence that indicated a  
18 struggle or any kind of violent acts occurred in that  
19 room?

20 A There was very little in disarray there that  
21 I could notice. There was a weight pin laying on the  
22 floor. But I didn't see any other signs of struggle  
23 there.

24 Q Now while you were in that area that I'm  
25 going to call the living area, did you observe any

1 telephones?

2 A Yes.

3 Q And what was the condition of those phones?

4 A They were off the hook.

5 Q Now, if you leave this living area and step  
6 out the front door, tell the jury what you would be  
7 stepping onto.

8 A There's a deck basically that goes around the  
9 house. This is a much larger area like a large front  
10 porch. If you look down to your right, you would have  
11 seen the phone junction box that connects to the  
12 residence, and then you would have proceeded down the  
13 steps onto the walkway which takes you back to the  
14 driveway.

15 Q Okay. Now you've mentioned the phone  
16 junction box. Did you observe that?

17 A Yes.

18 Q Was there anything unusual about that phone  
19 junction box?

20 A It was open and the phone was disconnected.

21 Q Was there anything unusual about the ground  
22 or the area underneath the phone?

23 A There was the vegetation -- The grass and  
24 weeds that were underneath that area right here  
25 (indicating) were matted down.

1 Q And you've already testified that leaving the  
2 deck area there is a walkway up to the driveway area;  
3 is that correct?

4 A Yes.

5 Q In your diagram at the top you have  
6 illustrated a car.

7 A Yes.

8 Q Tell the jury about that, please.

9 A Okay. This was -- Later we were to learn  
10 that this was Mrs. Hall's car. This was a Le Baron I  
11 believe, and the transmission was out. It was out. It  
12 was up on jacks being worked on.

13 Q Now, you have some lines drawn around that  
14 car. What is that?

15 A Okay. Right here (indicating) would have  
16 been a storage shed, and here (indicating) was an empty  
17 parking space with two skids in this direction, kind of  
18 curving like that, where obviously tires had broke  
19 tracks. It's not on the diagram, but in this place was  
20 a yellow Dodge K car, or light-colored K car.

21 Q In between the two cars you testified about  
22 are the skid marks.

23 A Yes, sir.

24 Q Now, are there any other marks on the  
25 pavement that indicate tire tracks or anything of that

1 nature?

2 A Again, there's another skid where tires had  
3 broke traction going down the driveway in basically  
4 this direction (indicating).

5 Q Is that the direction to the road?

6 A Yes, sir.

7 Q Now, in the driveway area did you locate any  
8 blood?

9 A Yes.

10 Q Where was that?

11 A There was one spot here and another spot here  
12 (indicating) which totaled out to about 106 feet from  
13 the front door to the house, and then, of course,  
14 you've got -- the service is in the ground here. There  
15 was another blood stain or spot near the sandbox, the  
16 second one. There were two more down by the pool,  
17 along with some grass that was pulled up out of the  
18 ground, and then there was a pinkish tint color to the  
19 water in the pool.

20 Q Now, you've indicated that there was a trail  
21 from the blood on the driveway to the pool.

22 A Yes.

23 Q Now describe the ground and the grass in the  
24 area of that path that you've marked out.

25 A The ground was sparsely covered with grass.

1 It was a lot of dead grass. It was very dry. The  
2 ground was -- had disturbances in it where like --  
3 looking as if someone had been drug for a while. There  
4 were impressions in the ground which resembled  
5 footprints, but they were twisted and turned as if  
6 there was a great struggle going on along this trail.

7 Q Is there anything in particular about the  
8 grass you talked about being pulled up?

9 A This grass that was pulled up in this area,  
10 there were similar grass and like it floating in the  
11 pool. Now this had roots attached to it. It was not  
12 clippings that had been blown in there from lawnmowers.

13 Q What is the distance from the driveway area  
14 to the pool?

15 A I measured 80 feet to the central area of the  
16 pinkish colored water.

17 Q And from the blood back to the house, from  
18 the blood on the driveway back to the entrance of the  
19 house, is 106 feet?

20 A Yes, sir.

21 Q Now, describe this pool for the jury, please.

22 A The pool was level. There was an embankment  
23 here, but someone had taken a shovel and leveled out  
24 the area. It sat erect about -- probably three feet,  
25 at least this high. Across it is probably 20 or 25



1 feet, and it was full of water to the top.

2 Q Now, did you observe any blood or drag marks  
3 on the side of the pool?

4 A No.

5 Q What kind of material is that pool made of?

6 A It was a very rigid fiberglass or possibly  
7 some sort of aluminum material. I didn't -- I felt of  
8 it, but I didn't take a sample of it.

9 Q Is that a collapsible pool?

10 A It quite possibly would have collapsed if a  
11 lot of pressure was put against it.

12 Q Now, did you develop -- As a result of your  
13 investigation, did you develop any suspects in this  
14 case?

15 A Yes.

16 Q And who is that?

17 A Jon Hall.

18 MR. EARLS: Your Honor, I'd ask that the  
19 witness be allowed to retake the stand, and if we could  
20 move the exhibit into evidence.

21 THE COURT: Do what?

22 MR. EARLS: Your Honor, I'd ask that this --  
23 this exhibit -- diagram be made an exhibit to this  
24 witness' testimony.

25 THE COURT: You offer that as an exhibit to

1 his testimony?

2 MR. EARLS: Yes, sir.

3 THE COURT: All right, without objection it  
4 will be introduced and will be the next-numbered  
5 exhibit.

6 Proceed.

7 **(Exhibit 2 was marked and entered.)**

8 Q You've already stated that you developed a  
9 suspect in this case. Once again, who was that?

10 A Jon Hall.

11 Q And do you see Jon Hall in the courtroom?

12 A Yes, I do.

13 Q Would you point him out, please?

14 A He's right there.

15 MR. EARLS: I'd ask the record to reflect he  
16 has identified the Defendant.

17 Q And did you participate in the arrest of Mr.  
18 Hall?

19 A Yes.

20 Q Where did you go to arrest him?

21 A Bell County, Texas.

22 Q Agent Byrd, I want to show you a series of  
23 photographs and ask if you can identify these  
24 photographs for the jury.

25 THE COURT: Have you seen these?

1 MR. FORD: Yes, sir.

2 A This, of course, is a representation of --  
3 Here is a darkened spot which is a blood stain on  
4 pavement and the sandbox and the pool which I've been  
5 referring to.

6 Q And do you have another photograph?

7 A Yes. This is looking back from Mr.  
8 McKinney's residence up on the hill down into the  
9 ravine area where the pool was located.

10 Q Does that reflect the pool?

11 A Yes.

12 Q And what is the next photograph, please?

13 A This is a side view from the rear end of the  
14 Chrysler which was up on jacks looking back down the  
15 driveway toward Pleasant Hill Road showing the sandbox  
16 and the slope of the hill.

17 Q And is the pool in that photograph?

18 A No, sir.

19 Q Do you have another photograph?

20 A This is a representation of the grass that  
21 was floating inside the pool so that you may see what  
22 it looked like when I saw it.

23 This is a close-up representation of the pool  
24 as it -- looking back on the house.

25 This is a view of the pool up close to give

1 you some idea of the -- of its height and width.

2 Q Is there something else reflected in that  
3 besides the pool?

4 A Oh, yes, sir. This here is a black t-shirt  
5 which was later identified to us by family members as  
6 what she was wearing that night when she went to bed.

7 Q When you say "she", is that Billie Hall?

8 A Yes. This picture is looking out of the --  
9 off of the front porch back toward the area where the  
10 cars were parked. This shows the white or light-  
11 colored Le Baron that was jacked up being repaired.

12 And this is a daylight view of the driveway  
13 back toward Pleasant Hill Road.

14 Q Is that your last photograph in that series?

15 A Yes, sir.

16 Q And do those photographs accurately reflect  
17 the scene as you observed it?

18 A Yes, sir.

19 MR. EARLS: Your Honor, I'd ask that those be  
20 made a collective exhibit to his testimony.

21 THE COURT: Let them be marked and entered  
22 without objection, collective exhibit for the next  
23 number.

24 **(Collective Exhibit 3 was marked**  
25 **and entered.)**

1 Q Agent Byrd, I'd like to hand you another  
2 series of photographs and ask if you can identify  
3 those.

4 A Yes, sir, this is the area of the entry of  
5 the residence.

6 Q And is the deck reflected in that photograph?

7 A Yes, it is, also the phone junction box which  
8 I was referring to earlier.

9 Q Would you point that out, please?

10 A It's right here (indicating).

11 Q Okay. And what does the next photograph  
12 depict?

13 A This is a close-up view of the phone box and  
14 the disconnected wire leading into it.

15 Q In that photograph, Agent Byrd, can you tell  
16 if there is any damage to the wire?

17 A No, it has a clip which allows a person to  
18 press in and release it, and it appears that's what has  
19 happened, it's just been pulled from its connector.

20 Q Now, what is the next photograph?

21 A This photograph depicts the trampled  
22 vegetation that was underneath the phone box.

23 Q And do those accurately reflect the area that  
24 you observed on that day?

25 A They do.

1 MR. EARLS: Your Honor, I'd ask that those be  
2 made Collective Exhibit -- whatever the next number is  
3 to his testimony.

4 (Collective Exhibit 4 was marked  
5 and entered.)

6 Q Now, Agent Byrd, I'd also ask you if you can  
7 identify these photographs.

8 A This particular picture is a view from the  
9 storage building near the driveway looking back on the  
10 residence and showing the slope of the hill and the  
11 basic lay-out as you approach it from the storage area.

12 This is a view again from the entry or the  
13 front porch of the residence looking down on the  
14 swimming pool.

15 Q And do those accurately reflect the scene as  
16 you observed it on that date?

17 A They do.

18 MR. EARLS: Your Honor, I'd ask that those be  
19 made a collective exhibit, Number 5, to this witness'  
20 testimony.

21 THE COURT: So ordered.

22 (Collective Exhibit 5 was marked  
23 and entered.)

24 Q Now, Agent Byrd, did you observe anything at  
25 the scene in the way of footprints on the deck or any

1 of that area?

2 A I did.

3 Q And describe those for the jury, please.

4 A When we first arrived, there were wet  
5 footprints on the carpet in the house and wet  
6 impressions on the wooden deck on the front porch  
7 outside leading out to the pathway leading up to the  
8 driveway.

9 Q When you say wet, how wet?

10 A They were well-soaked. They were still there  
11 later at 10 a.m. in the hot sun.

12 Q Were you able to determine if anything was  
13 taken from the scene that did not belong to Jon Hall?

14 A No small items; we were going to allow family  
15 members to do that, but there was a red van or mini-van  
16 which was gone from the scene.

17 Q Now, did that happen in Henderson County?

18 A Yes.

19 Q And this is the Defendant Jon Hall  
20 (indicating)?

21 A Yes.

22 MR. EARLS: Pass the witness, Your Honor.

23 - - - - -

24

25

1 CROSS-EXAMINATION

2 BY MR. MAYO:

3 Q Good morning, Investigator Byrd.

4 A Good morning, Counselor.

5 Q Investigator Byrd, there was never any  
6 question that Jon Hall committed this act; is that  
7 correct?

8 A In my mind, yes.

9 Q And you started off with that assumption and  
10 it just was reinforced as time went on.

11 A Yes.

12 Q When you arrived at the residence, did you do  
13 a crime scene search?

14 A Yes.

15 Q And in that search, did you find a money  
16 order?

17 A Yes.

18 Q What was that money order?

19 A I believe the amount was 25 or five dollars.  
20 I haven't looked at it in some time, but it was, you  
21 know, a moderate amount of money.

22 Q Who was the money order to?

23 A I think it was probably to Billie Hall. I'd  
24 have to look at it again to verify that.

25 Q Who was it from?



1 A I believe it was from Mr. Hall.

2 Q Do you know the date on that money order?

3 A No, sir, I don't. Again, I haven't seen it  
4 in a while.

5 Q Do you have it with you?

6 A Yes, sir. It would be probably in this box  
7 over here I think (indicating).

8 MR. MAYO: Your Honor, if we could --

9 THE COURT: Let him tell you which box it is  
10 and bring it over here to him and let him look for it.

11 THE WITNESS: Counselor, it may be in the --  
12 I may have a copy of it in that file there  
13 (indicating).

14 THE COURT: Do you have a copy of this? Do  
15 you have a copy yourself maybe you could find, if you  
16 have one?

17 MR. FORD: Your Honor, we don't have a --  
18 we've seen it, but we don't have a copy.

19 THE COURT: Well I was just trying to --

20 THE WITNESS: Your Honor, I did provide a  
21 copy to the Public Defender's office, but obviously  
22 they probably did not get it to --

23 THE COURT: Well he says he don't have a copy  
24 of it. Step it along.

25 Go on, Mr. Ford, and let him search for that

1 later.

2 MR. MAYO: Your Honor, I don't know if he'll  
3 be able -- if Investigator Byrd can do both, answer  
4 questions and search for that.

5 THE COURT: Well, whatever you want to do.  
6 Mr. Ford said you had a copy, seen a copy of the  
7 statement, and no question that --

8 MR. MAYO: It's not a statement, Your Honor;  
9 it's a money order.

10 THE COURT: It's a money order that's been  
11 furnished to you, and I say, what else do we need?

12 MR. MAYO: We need to know who it's from and  
13 who it's to, the amount of the money order and the date  
14 on the money order.

15 THE COURT: Wasn't it shown on it when you  
16 were shown it?

17 MR. MAYO: Your Honor, the jury needs to know  
18 about it.

19 THE COURT: Well can you tell us?

20 MR. MAYO: I can't testify, Your Honor.

21 THE COURT: All right. Go ahead and look.  
22 Can you find it?

23 THE WITNESS: No, sir. I may have to --

24 THE COURT: He don't find it.

25 THE WITNESS: If it's not in that, it's

1 possibly locked up in my vehicle downstairs. I don't  
2 have all the evidence here.

3 THE COURT: He doesn't have it today, I mean,  
4 have it here.

5 MR. MAYO: Well, Your Honor, I can ask --

6 THE COURT: Go ahead and ask what you want  
7 to.

8 MR. MAYO: I can finish the cross-examination  
9 without it here, but I would ask to be allowed to call  
10 Investigator Byrd back to the stand to establish that.

11 THE COURT: That will be allowed, yes, sir.

12 MR. MAYO: Thank you, Your Honor.

13 THE COURT: I instruct you after you get off  
14 the stand to go look and find that item if you can and  
15 bring it back.

16 THE WITNESS: Yes, sir.

17 Q In the crime scene search, did you determine  
18 whether there were fingerprints in the home?

19 A We took several samples of articles which we  
20 believe would have been handled by Mr. Hall and other  
21 people, and there were fingerprints identified on some  
22 of them, yes, sir.

23 Q Did you dust it for fingerprints?

24 A I sent it to the Nashville crime lab for  
25 dusting.

1 Q Did you get the results of those back?

2 A Yes.

3 Q And what did it reveal? Whose were they?

4 A Again, a large amount of them were  
5 inconclusive. I think there was one identifiable print  
6 which was identified, but I never sent it for  
7 comparison.

8 Q Why is that?

9 A At that time, this was six months after my --  
10 The report came in six months after Mr. Hall's arrest.  
11 I had numerous statements from family members and other  
12 people pertaining to -- he was the only one  
13 participating in this event.

14 Q So you didn't need them, in your opinion.

15 A Yes, sir.

16 Q There was plenty of evidence without those  
17 fingerprints.

18 A Yes.

19 THE COURT: Well did you find any you could  
20 use except this possible one?

21 THE WITNESS: No other ones that I know of.

22 THE COURT: In other words, the condition --  
23 you could not develop them with any certainty; is that  
24 right?

25 THE WITNESS: Yes, sir.

1 THE COURT: Go ahead.

2 Q Did you determine if there were any weapons  
3 in the home?

4 A There was -- I didn't see any firearms.  
5 There was a putter in front -- right next to the front  
6 door which was probably there for personal protection,  
7 but I don't know. A golf putter.

8 Q Had that been used?

9 A Not to my -- It was still in position there  
10 near the front door. It didn't appear to be used in  
11 any way. There were no stains or anything noted on it.

12 Q Did you find any other -- Was there anything  
13 that had been used as a weapon, a stick or anything  
14 like that?

15 A I found an ashtray, again, that had what I  
16 thought was blood on it, a speck of red stain, which  
17 come back inconclusive, and a weight pin near a weight  
18 bench there in the entry area of the residence, but no  
19 other signs of a weapon.

20 Q The struggle that you spoke of that occurred  
21 out at the residence, that occurred throughout the  
22 house. Is that fair to say?

23 A From what I observed, it started -- or a  
24 large amount of it occurred in the master bedroom.  
25 Some event occurred near the entry area and then on out

1 through the trail that I described along the driveway  
2 and down to the pool.

3 Q So it went through the -- from the bedroom,  
4 through the home, through the entry area, outside the  
5 home, driveway to the pool.

6 A Most likely, yes.

7 Q Did you travel to Texas to apprehend Mr.  
8 Hall, or to bring him back?

9 A I did.

10 Q He had already been arrested; is that  
11 correct?

12 A Yes.

13 Q And he was arrested by Texas authorities; is  
14 that also correct?

15 A Yes, sir.

16 Q He was arrested at his brother's house; is  
17 that also correct?

18 A Yes.

19 Q He was on the porch at his brother's house.  
20 Isn't that correct, too?

21 A I don't know where he was at the residence.

22 Q Do you know if he had a weapon on him when he  
23 was arrested?

24 A No, I don't think he had a weapon on him at  
25 the time of his arrest.

1 Q Did he have any money on him?

2 A I'm unaware of what he -- the amount of money  
3 he had on him.

4 Q Were you able to determine what he had on  
5 when he was arrested, what kind of clothes?

6 A Very normal clothing, jeans and I think a t-  
7 shirt possibly, or a shirt of some sort and possibly  
8 some shoes, I'm quite certain.

9 Q What was he wearing when you first saw him?

10 A I can't remember.

11 Q Where did you first see him?

12 A I first saw him in an interview room there at  
13 the Bell County justice complex.

14 Q How would you describe his condition? How  
15 did he appear?

16 A He was calm. He had some injury to his  
17 hands. He had minor cuts that I believe probably had  
18 come from what I believe may have been an accident  
19 which he was involved in.

20 Q He was crying, wasn't he?

21 A Yes, sir, at one point he did cry.

22 Q Seemed to be remorseful?

23 A Yes, sir.

24 Q Did you talk with his brother?

25 A Yes.

1 Q His brother is now deceased; is that correct?

2 A Yes.

3 Q Did you find a vehicle that he had gone to  
4 Texas in and search the vehicle?

5 A Yes.

6 Q Did you find anything in that vehicle?

7 A Yes. There were articles which belonged to  
8 the owners of the vehicle. There were some clothes in  
9 the back. I think there was a pair of pants that were  
10 soiled and torn. There was a photograph on the --

11 Q Let me ask you, Investigator Byrd, as far as  
12 it relates to Mr. Hall, were you able to determine if  
13 the pants were Mr. Hall's?

14 A No.

15 Q You said they were soiled?

16 A Yes.

17 Q Were they jeans?

18 A Yes.

19 Q Could you tell what they had been soiled  
20 with?

21 A Brown stains. Didn't appear to be blood.  
22 Most likely it was some sort of dirt, grime of some  
23 sort.

24 Q Did you find any maps in the vehicle?

25 A Yes, I think there were maps found.



1 Q What about credit cards? Did Mr. Hall have  
2 any credit cards with him?

3 A Not that I'm aware of.

4 Q Did your investigation reveal that Mr. Hall  
5 was a mechanic?

6 A Yes.

7 Q And you stated that one of the vehicles at  
8 the Hall residence was set up as if it had been worked  
9 on, on jacks.

10 A Yes.

11 Q The van, did your investigation reveal that  
12 was the van of the Halls, Mr. and Mrs. Hall?

13 A I believe it was registered to Billie Jo  
14 Hall.

15 Q They were married though, weren't they?

16 A They were in the process of getting a  
17 divorce. I don't know what the status would be in  
18 Chancery Court, but they had been married, yes.

19 Q Investigator Byrd, the phone that you stated  
20 was disconnected, that could have easily been  
21 reconnected; is that correct?

22 A Yes, sir.

23 Q And the money order that you found, I know  
24 you're going to have to look and make sure, but you do  
25 recall that it was made out to Billie Hall.

1 A To the best of my recollection, yes, sir.

2 MR. MAYO: Thank you, Investigator Byrd.

3 - - - - -

4 **REDIRECT EXAMINATION**

5 **BY MR. EARLS:**

6 Q Investigator Byrd, you testified about the  
7 van that was taken and that that belonged or was titled  
8 to Billie Jo Hall; is that correct?

9 A Yes, sir.

10 Q Was there anything in that --

11 MR. EARLS: That's all I have.

12 (WITNESS EXCUSED.)

13 - - - - -

14 CHRIS DUTTON was called and being first duly  
15 sworn, was examined and testified as follows:

16 **DIRECT EXAMINATION**

17 **BY MR. WOODALL:**

18 Q State your name, please, sir.

19 A Chris Dutton.

20 Q Mr. Dutton, where are you currently  
21 incarcerated?

22 A Cole Creek Correctional Facility.

23 Q Now are you the same Chris A. Dutton that's  
24 been convicted in Bradley County of burglary, theft of  
25 property, burglary, theft of property and burglary of

1 an automobile?

2 A Yes, sir.

3 Q And also the same Chris A. Dutton that was  
4 convicted again in Bradley County of a theft of  
5 property and then in Hamblin County of theft,  
6 aggravated assault and escape?

7 A Yes, I am.

8 Q How old are you, Chris?

9 A I'm 37 years old.

10 Q How many years of your life have you spent  
11 behind bars?

12 A Approximately I'd say about 14 or 15.

13 Q Now, I notice that there was an escape charge  
14 in this from Hamblin County.

15 A Yes, sir.

16 Q And as a result of that conviction, what  
17 level of incarceration did you receive?

18 A Maximum security.

19 Q And where were you in maximum security?

20 A Riverbend.

21 Q And where is Riverbend located?

22 A Nashville, Tennessee.

23 Q Now you said that currently you're at is it  
24 Cole Water?

25 A Cole Creek.

1 Q Cole Creek Institution. What level of  
2 security are you there?

3 A Minimum restricted.

4 Q All right, now, what is the -- tell us what  
5 the levels of security are in the institution.

6 A That would be minimum trustee, minimum  
7 direct, minimum restricted, medium, close, levels one  
8 through five, and then max.

9 Q Okay. So you started out at max as a result  
10 of your escape and last conviction and you've worked  
11 your way down to --

12 A Minimum restriction.

13 Q Now, at the time that you were incarcerated  
14 at Riverbend in maximum security, tell us how prisoners  
15 are confined in maximum security.

16 MR. FORD: I object to the relevancy of that,  
17 Your Honor. I don't know. Are we going to have a  
18 prison lecture here?

19 THE COURT: I don't see the relevancy of it.  
20 General, if he had some contact with this man, you  
21 could ask him where, but how they're restricted and  
22 what ...

23 MR. WOODALL: Thank you, Your Honor. I'll  
24 try to move this along.

25 Q Are there one-man cells?

1 A Yes, sir.

2 Q Now, can you see who is in the cell next to  
3 you when you're in your cell?

4 A No.

5 Q Can you communicate with the individual in  
6 the cell next to you?

7 A Yes.

8 Q And how can you communicate?

9 A Through the ventilation system by standing on  
10 the sink.

11 Q Is this common practice?

12 A Yes, it's our telephone system.

13 Q That's the prisoners' telephone system.

14 A Yes.

15 Q Now, did you come in contact as a result of  
16 this ventilation system with the individual who was  
17 incarcerated next to you?

18 A Yes, sir.

19 Q And did he identify himself to you?

20 A Yes, sir.

21 Q And what name did he give you?

22 A Jon Hall.

23 Q And did you have the occasion to put a face  
24 with the name, not while you were actually in the bars  
25 but when you were in an exercise period or guard

1 period?

2 A Yes, sir, and also I worked in the general  
3 area where the officers worked, and I came in and out  
4 of my cell on regular occasions. I went to the doors  
5 certain times running errands.

6 Q Now, do you see the individual in this  
7 courtroom that you know to be Jon Hall?

8 A Yes, sir.

9 Q Can you point that individual out, please?

10 A Right here.

11 MR. WOODALL: Let the record reflect the  
12 witness identifies the Defendant.

13 Q Had you ever heard of or seen or talked to  
14 Jon Hall in your entire life prior to coming into  
15 contact with him at Riverbend?

16 A No, sir.

17 Q Did you have any idea of what he was in there  
18 for or what he had done or anything at all?

19 A No.

20 Q Now, did the Defendant provide certain  
21 information to you concerning charges pending against  
22 him in Henderson County?

23 A Yes, sir.

24 Q Was this as a result of questions that you  
25 directed to him or as a result of him confiding in you?

1 A I never asked him. You don't ask questions  
2 in prison like that. He confided in me.

3 Q Why would he confide in you?

4 A Loneliness.

5 MR. MAYO: Your Honor, I want to object to  
6 that. That's speculation.

7 THE COURT: Why, General, I believe that's --  
8 You can ask him what he did or what he said, but you're  
9 asking him an opinion now as to why this man --  
10 somebody else did something.

11 Q Just go ahead and irrespective of why he  
12 confided in you, tell us --

13 A I confided in him also.

14 Q As a result of your mutual confiding in one  
15 another, tell us at this time what he confided in you  
16 about his pending charges in Henderson County,  
17 Tennessee.

18 A That he was facing charges of murder, that he  
19 had killed his wife.

20 Q Did he tell you how this came about and what  
21 he did the day of her death?

22 A I didn't -- He said that he had contacted her  
23 earlier in the day and made arrangements to take her  
24 some money. When he took the money out there to her  
25 house, that he tried to get her to listen to him. All

1 she was interested in was the money. He tried to talk  
2 about reconciliation - that's the word I was looking  
3 for - but all she was interested in was the money, and  
4 when she refused to listen to him and demanded that he  
5 leave, his temper got the best of him and he began to  
6 strike her.

7 Q All right, now, let's back up a little bit.  
8 Did he say that -- Did he tell you that he did anything  
9 prior to entering her home?

10 A Yes.

11 Q What did he tell you that he did?

12 A He disconnected the wires on the pole hooked  
13 to the telephone outside the trailer.

14 Q Did he tell you why he did that?

15 A So she couldn't call the cops.

16 Q Did he tell you anything that he had planned  
17 to do before he even got there?

18 A That he wanted to make her feel as he did.  
19 He wanted her to suffer as he did, feel the  
20 helplessness that he was feeling because she took his  
21 world away from him.

22 Q Now, did he tell you how many times that he  
23 struck her or where he struck her or if there was  
24 anyone else present in the house at the time?

25 A The girls were there, his two girls. It



1 started in the house and ended up in the yard. She was  
2 -- He hit her on the head until he panicked, and then  
3 he threw her in the swimming pool. He then went into  
4 the house and got her keys and took her van and left.

5 Q After he threw her in the pool, let me see if  
6 I understand you, he went back in the house, got the  
7 keys to her van and left.

8 A Yes.

9 Q Did he tell you how he got up there?

10 A I'm not certain of that.

11 Q Now after you received this information --  
12 And do you remember approximately when it was?

13 A Probably better than a year ago, going on a  
14 year.

15 Q How long have you been transferred -- Or how  
16 long has it been since you and the Defendant were side  
17 by side at Riverbend?

18 A It's been a long time, about a year, maybe a  
19 little more.

20 Q Now, after you received this information, did  
21 you transmit it to anybody?

22 A Yes. I sent a letter to the Attorney  
23 General's office. I think it was Nashville.

24 Q Did you send it to me?

25 A No.

1 Q Now, after you sent the information to the  
2 Attorney General's office in Nashville, did you hear  
3 from anybody?

4 A No, not until a week ago.

5 Q Where were you when someone contacted you?

6 A Cole Creek Correctional Facility.

7 Q And who contacted you?

8 A It was you.

9 Q All right. And did we discuss your  
10 testimony?

11 A Yes, sir.

12 Q In exchange for your truthful testimony, did  
13 I make any promises to you?

14 A You told me as long as I testified truthfully  
15 that you would speak at my parole hearing when the time  
16 came.

17 Q Is that the only promise you received from  
18 me?

19 A Yes.

20 Q Now since you left Riverbend -- Let me back  
21 up. How long after you received this information in  
22 terms of days or weeks did you relate it to the D.A. in  
23 Nashville?

24 A Week or two.

25 Q Was the Defendant still in the adjacent cell

1 when you transmitted this information to the D.A.'s  
2 office in Nashville?

3 A No, he had been moved to another unit.

4 Q Have you seen or talked to the Defendant  
5 since that time?

6 A No, sir.

7 Q Have not.

8 A No, sir.

9 Q Have you received any benefit at all at this  
10 point from providing that information to the  
11 authorities?

12 A No, sir.

13 Q Have you provided any information to any  
14 other law enforcement agency which has required your  
15 testimony?

16 A Yes, sir.

17 Q And was that information -- When did you  
18 transmit that information?

19 A In 1989. It would have been probably middle  
20 of 1990.

21 Q So you helped the authorities once in 1989 or  
22 '90.

23 A Yes, sir.

24 Q And when you transmitted the information  
25 concerning the Defendant Jon Hall to the Attorney

1 General's office in Nashville, did you also convey  
2 information involving any other area or state or  
3 individual?

4 A Yes, sir.

5 Q And what would that be? Which state?

6 A North Carolina.

7 Q And as a result of that information provided  
8 to the Attorney General in Nashville, have you  
9 testified in the state of North Carolina?

10 A Yes.

11 MR. WOODALL: Your witness.

12 - - - - -

13 **CROSS-EXAMINATION**

14 **BY MR. FORD:**

15 Q Mr. Dutton, would it be a safe assumption  
16 that you would be classified as an informant in the  
17 prison system?

18 A I'm not sure of the definition of that, sir.

19 Q Isn't that your role?

20 A Excuse me?

21 Q Isn't that your role with the authorities, to  
22 inform them of certain things that you have heard?

23 A No.

24 Q In exchange for favorable treatment in the  
25 prison system?

1 A No, sir.

2 Q That had nothing to do with your motivation,  
3 did it?

4 A No.

5 Q When is your parole hearing?

6 A June of '99.

7 Q And Mr. Woodall is going to testify at your  
8 parole hearing. Is that what you were to understand?

9 A Excuse me?

10 Q Mr. Woodall, he is --

11 A Yes, sir.

12 Q -- going to come and testify on your behalf.

13 Did he say what he was going to say about you?

14 A No.

15 Q Jon told you that he was drunk when he got to  
16 the trailer, didn't he?

17 A I'm not certain, sir. I ...

18 MR. FORD: Approach the witness, Your Honor?

19 THE COURT: Pass it up.

20 A Yes.

21 Q Did that refresh your recollection, Mr.  
22 Dutton?

23 A Yes, sir.

24 Q That he had been drinking all day before he  
25 had contacted Billie to come out and pay his child

1 support?

2 A I wrote here that he was drunk and had been  
3 drinking since he called Billie earlier.

4 Q He was extremely depressed about his family  
5 situation; was he not?

6 A Yes, sir.

7 Q And that he'd been out there earlier in the  
8 week working on Billie's car for her, trying to repair  
9 her vehicle?

10 A That's what I recall.

11 Q And that he was concerned about his children?

12 A Yes, especially the little girl. I think she  
13 had M.D.

14 Q C.P. or muscular dystrophy? A special needs  
15 -- They had a special needs child, didn't they?

16 THE DEFENDANT: Cerebral palsy.

17 A Yes, sir.

18 Q He was really concerned about the child, and  
19 he went out there to try to reconcile with Billie, to  
20 try to discuss their problems.

21 A Yes.

22 Q And that's why he went out there.

23 A To give her money.

24 Q Yes, sir. And also did he tell you that on  
25 past occasions when he had gone out there that he had

1 disconnected the phone because sometimes there would be  
2 arguments and that Billie would call the police and  
3 things of that nature?

4 A Yes, sir.

5 Q He didn't go out there with any weapons, did  
6 he, that you know of or did he tell you about?

7 A No.

8 Q So now you've been transferred to a minimum  
9 security.

10 A No, I'm still in regular security. I'm on  
11 minimum restricted status.

12 Q What is your security status now?

13 A Minimum, which means I have two more levels  
14 to go down, minimum direct and minimum trustee.

15 Q And when were you reclassified? Was it after  
16 you communicated with the Attorney General?

17 A No, it was the first of January. I can't  
18 remember what date for sure, first week.

19 Q Mr. Dutton, from what you gathered in your  
20 conversations with Mr. Hall, and I'm assuming you had  
21 more than one.

22 A Yes.

23 Q That you fellows had plenty of time to talk.  
24 That's really all you had, wasn't it?

25 A Yes.

1 Q Did you gather that the real reason he went  
2 out there was to try to reconcile with his wife and pay  
3 child support?

4 A No.

5 Q No? That's what he told you, didn't he?

6 A Yes.

7 MR. FORD: That's all.

8 - - - - -

9 **REDIRECT EXAMINATION**

10 **BY MR. WOODALL:**

11 Q That question having been asked by Mr. Ford,  
12 what did he tell you what was the reason that he went  
13 out there? What was he going to do?

14 A Make her feel the way she made him feel.

15 Q If she didn't reconcile with him, what was he  
16 going to do to her?

17 A He was going to make her hurt the way she  
18 made him hurt, feel as helpless as he felt.

19 MR. WOODALL: Thank you.

20 **(WITNESS EXCUSED.)**

21 - - - - -

22

23

24

25



1                   **BRIAN BYRD** being recalled, was duly reminded  
2 of his oath and testified further as follows:

3                   **RECROSS-EXAMINATION**

4                   **BY MR. MAYO:**

5           Q           Investigator Byrd, did you find that money  
6 order we were talking about?

7           A           Yes, sir, I did.

8           Q           Investigator Byrd, who was the money order  
9 to, please, sir?

10          A           The money order is to Billie Hall from Jon  
11 Hall.

12          Q           And the date on the money order, please?

13          A           Would be July, appears to be, the 29th, '94.  
14 The ink is a little messed up, but I think it's the  
15 29th.

16          Q           Thank you, sir. Is that the date that this  
17 occurred?

18          A           Yes.

19          Q           Where is the money order from?

20          A           It just says Travelers Express International  
21 Money Order. It doesn't give a business or anything  
22 that I can see.

23                   THE COURT: How much?

24                   THE WITNESS: For \$25.00.

25          Q           Does it say what it's for, what it

1 represents, or did you find any receipt or anything  
2 like that in Mr. Hall's wallet that would indicate  
3 that?

4 A No. If the receipt was present I don't have  
5 it.

6 THE COURT: Let me see it.

7 THE WITNESS: Yes, sir.

8 MR. MAYO: Your Honor, we'd like that marked  
9 as an exhibit, please, sir, and passed to the jury.

10 THE COURT: Just a minute. You want it  
11 introduced as the next exhibit to this man's testimony  
12 and passed to the jury?

13 MR. MAYO: Yes, sir, please.

14 THE COURT: All right, let it be marked and  
15 entered.

16 **(Exhibit 6 was marked and entered.)**

17 Q Investigator Byrd, where did you find the  
18 money order?

19 A I believe it was on a nightstand at the end  
20 of the couch, to the best of my recollection; but it  
21 was inside the residence.

22 MR. MAYO: Thank you, Investigator Byrd.

23 **(WITNESS EXCUSED.)**

24 - - - - -

25

1                   **STEPHANIE LAMBERT** was called and being first  
2   duly sworn, was examined and testified as follows:

3                   THE COURT: Young lady, what's your name?

4                   THE WITNESS: Stephanie.

5                   THE COURT: Stephanie, you're here to answer  
6   some questions, and you see the jury there, that's the  
7   jury. See those people sitting over there? And you  
8   want to look at them and speak up so they can hear you.  
9   You understand?

10                  THE WITNESS: Yes, sir.

11                  THE COURT: Now do you know -- You've sworn  
12   to tell the truth. Do you know that if you testify  
13   you're supposed to tell the truth?

14                  THE WITNESS: Yes, sir.

15                  THE COURT: What'll happen to you if you  
16   don't tell the truth?

17                  THE WITNESS: I'll get a whippin'.

18                  THE COURT: You'll get a whippin'.

19                  All right, I believe she's qualified,  
20   General.

21                  MR. WOODALL: Thank you, Your Honor. Could I  
22   stand up here, Your Honor?

23                  THE COURT: Yes, sir. Not to close because  
24   the --

25                  MR. WOODALL: Well I'm not going to get in

1 the way of the jury.

2 **DIRECT EXAMINATION**

3 **BY MR. WOODALL:**

4 Q Tell us what your name is.

5 A Stephanie.

6 Q Stephanie, how old are you?

7 A Eight.

8 Q Who do you live with, Stephanie?

9 A My grandma and my grandpa.

10 Q How long have you lived with them?

11 A Two and a half years.

12 Q Now two and a half years ago where did you  
13 live?

14 A With my mom.

15 Q And your daddy, stepdaddy? Your mama and  
16 your daddy, is that who you lived with two and a half  
17 years ago?

18 A No, my dad lived somewhere else, but he came  
19 and visited.

20 Q All right, but your mama and who else was  
21 there?

22 A And my sisters.

23 Q How many sisters do you have?

24 A Three.

25 Q Three. And how old are your sisters now?

1 A Jessica's five, Cynthia's 10 and Jennifer is  
2 11.

3 Q Okay. Now let's go back to July of 1994, and  
4 something happened that night, didn't it?

5 A Uh-huh.

6 Q Now, tell me, did somebody come over to your  
7 house that night?

8 A Yes, sir.

9 Q And who would that be?

10 A My dad.

11 Q He wasn't living there at the time?

12 A He was living somewhere else.

13 Q Now, where were you when he got there?

14 A I was in the living rom.

15 Q And who all was in the living room?

16 A My sisters and my mom.

17 Q And what were y'all doing?

18 A Watching t.v.

19 Q Okay. And how did you first realize that  
20 your daddy had come over there?

21 A Because he knocked at the door, and then we  
22 went there, and then ...

23 Q Did your mama go to the door or did one of  
24 the kids go to the door?

25 A Mama and Cynthia.

1 Q Could you see your mama at the door? Could  
2 you see her?

3 A I don't remember.

4 Q That's okay. What happened after that?

5 A My mom told Jon not to hurt her, but then he  
6 pushed his way through and then ...

7 Q That's okay. You're doing fine. All right,  
8 now, did your mama want Jon to come in? Did she want  
9 him to come in the house or did she tell him not to  
10 come in the house?

11 A I don't know.

12 Q Okay. You said that Jon pushed his way in.  
13 What do you mean by that?

14 A He pushed his way in.

15 Q Okay. Now, what happened after he came in?  
16 And which room would that be?

17 A He came in the kitchen.

18 Q Is the kitchen and the living room where the  
19 t.v. was, are they all kind of together or ...

20 A They are close together. They have two steps  
21 separating them.

22 Q Okay. Now, did your mama -- After Jon you  
23 said he forced his way in, what happened to your mama  
24 after that?

25 A She was sitting in the chair, then Jon told

1 us to go to bed. We didn't go. Then he told us again.  
2 Then we didn't go. So he told us again, and then he  
3 tipped my mama over in the chair.

4 Q Okay. He told y'all to go to bed three  
5 times.

6 A Uh-huh.

7 Q And then your mama was sitting in a chair?

8 A Uh-huh.

9 Q And he pushed the chair over?

10 THE COURT: Now don't -- General, don't lead  
11 her. Just say, what did he -- what did --

12 MR. WOODALL: That's what she said, if it  
13 please the Court.

14 THE COURT: Well I know.

15 Q Okay, sweetie, go ahead. Now, after your  
16 mother's chair was pushed over, where did she go?

17 A Into the bedroom.

18 Q And who did she go with?

19 A With Jon, and I don't know what happened, how  
20 they got in there though.

21 Q Okay. Now after they went in the bedroom,  
22 did you hear something?

23 A Uh-huh.

24 Q What did you hear?

25 A My mom yelling.

1 Q What was she saying?

2 A I don't know. I couldn't tell.

3 Q What did you do and your sisters do?

4 A We tried to get in there but we couldn't.

5 Q Tried to get in where?

6 A The bedroom.

7 Q Why couldn't you get in the bedroom?

8 A Because he had the sewing machine by the door

9 and we couldn't get in.

10 Q All right. Did you hear anything after that?

11 Did you hear your mama say anything after you tried to

12 get in?

13 A She told us to go up Pam's.

14 Q Go where?

15 A Up Pam's.

16 Q Now where did Pam live?

17 A Just up the road -- not up the road but

18 beside us.

19 Q Did anybody try to use the telephone?

20 A Yes, sir.

21 Q Who did?

22 A I don't know which one; it was either me or

23 Cindy. We both went to the telephone.

24 Q Were you able to use the telephone?

25 A No.



1 Q What was wrong with it, or do you know?

2 A Jon had it where we couldn't use it.

3 Q All right, now, did Jon tell you what he  
4 would do to you if you went to Pam's, or do to  
5 somebody?

6 A No, sir.

7 Q Okay. Now, did you ever see your mama come  
8 out of the bedroom?

9 A No, sir, but my sister told me that she --

10 Q Well don't tell me what your sister said.  
11 Now, you left and went over to Pam's.

12 A Yes, sir.

13 Q Did anybody go with you?

14 A Cynthia did.

15 Q Okay. And how old is Cynthia?

16 A She's 10.

17 Q All right. Now where was your little sister?

18 A She was with Jennifer in the bedroom.

19 Q Did Jennifer come out, too, out of the  
20 bedroom?

21 A She came out when Mama came out and ran  
22 through the door, and then she went to Pam's.

23 Q All right. Did you see what your -- Did you  
24 see your mama come out of the bedroom?

25 A No, sir.

1 Q Did you ever see your mama in the yard?

2 A No, sir.

3 Q Okay. Do you have any idea how long Jon was

4 there before you went over to Pam's?

5 A No, I don't.

6 Q Okay, I understand. Now, was your mama doing

7 something outside of the home? Did she have a job?

8 A Yes, sir.

9 Q What was her job?

10 A She worked at the health department or

11 something like that.

12 Q Did she also go to school?

13 A Yes, sir.

14 Q Where was she going to school?

15 A Jackson.

16 Q Was it a college?

17 A I don't know.

18 Q Did Jon say anything to your mama about her

19 college work or her school work?

20 A He said that, "You'll never live to

21 graduate."

22 Q Said she would never live to graduate, okay.

23 MR. WOODALL: Your witness.

24 Q One other question. Do you see Jon in the

25 courtroom?

1 A No, sir.

2 Q Would you stand up and see if he's in the  
3 courtroom, honey?

4 A Yes, sir.

5 Q Can you point him out, please?

6 A (Pointing).

7 Q Thank you, dear.

8 MR. WOODALL: Let the record so reflect.

9 - - - - -

10 **CROSS-EXAMINATION**

11 **BY MR. FORD:**

12 Q Stephanie, my name is Jay Ford, and I'm Jon's  
13 lawyer. Do you recognize that as your dad?

14 A Yes, sir.

15 Q Okay. And when you and your sisters were all  
16 living with your mother and Jon, Jon was your dad.

17 A Yes, sir.

18 Q Did Jon go to work down at Helms Motor  
19 Company, or do you know?

20 A He went -- I don't know if he still did, but  
21 he used to. I don't know if he still did though.

22 Q Did Jon keep you and your sisters when your  
23 mother had to go to school at night or work nights?

24 A Sometimes and sometimes he didn't.

25 Q Y'all had a babysitter sometimes?

1 A Uh-huh.

2 Q Did Jon ever fix any meals for y'all or take  
3 you to McDonald's and get some food or things of that  
4 nature?

5 A I don't remember.

6 Q Don't remember that because that was like  
7 when you were six or five and a half back in July.  
8 What grade are you in now?

9 A Third.

10 Q Third grade. And where do you go to school?

11 A Primary school.

12 Q And that's -- What town is that?

13 A Huntingdon.

14 Q Your younger sister, she has some special  
15 needs. She needs special attention. She has C.P.; is  
16 that right?

17 A Yes, sir.

18 Q Was Jon, or your dad, was he concerned about  
19 your younger sister and about her health?

20 A I don't remember.

21 Q You don't remember. That's right, because  
22 you were just six years old. Okay. If I could have  
23 just one minute, I might have another question for you.

24 MR. FORD: That's all.

25 - - - - -

1     REDIRECT EXAMINATION

2     BY MR. WOODALL:

3     Q           Let me ask you one other thing, sweetie. Did  
4     you try to stop your daddy from --

5               MR. FORD: Objection to leading. Calls for  
6     an answer.

7               THE COURT: Sustained. Just ask what she  
8     did.

9               MR. FORD: She's already said what she did,  
10    Judge, and he's trying to just go over it again.

11              THE COURT: Ask the question.

12              And, young lady, don't answer 'til I tell  
13    you.

14              Ask your question.

15    Q           When your mama and daddy were in the bedroom,  
16    did you finally get inside the bedroom?

17    A           Yes, sir.

18    Q           All right. And after you got in the bedroom,  
19    did anybody try to do anything to help your mama?

20    A           Yes, sir.

21    Q           And what did you do?

22    A           Jennifer got a rag out and tried to give it  
23    to Mama.

24    Q           She did what?

25    A           She tried to get a rag out to give to Mama.

1 Q Get a rag out to give it to Mama?

2 A Uh-huh.

3 Q Did anybody do anything else?

4 MR. FORD: Your Honor, I object. This is  
5 outside the scope of Redirect. I didn't ask her any  
6 questions about what anybody did.

7 THE COURT: Well I'm going to let that one  
8 question now and then you can -- I believe that would  
9 be true, but I think this is a child, and I'm going to  
10 have a little leeway. Go ahead.

11 You said you got a rag or something of that  
12 sort. Now what -- Anything -- Do you remember anything  
13 else that you might have did with regard to your mother  
14 and father? What else do you remember?

15 THE WITNESS: We tried to get Jon to stop  
16 hurting her.

17 THE COURT: I can't hear her.

18 Q Turn around here and tell them what you just  
19 said, sweetie.

20 A We tried to get Jon to stop hurting her.

21 THE COURT: Anything further?

22 MR. WOODALL: No.

23 MR. FORD: Yes, sir.

24 - - - - -

25

1     **RECROSS - EXAMINATION**

2     **BY MR. FORD:**

3     Q           Now you're eight years old.

4     A           Yes, sir.

5     Q           And have you talked to anybody about coming  
6     to court?

7     A           Yes, sir.

8     Q           Who did you talk to?

9     A           I talked to the lady downstairs, my grandma  
10    and my sisters.

11   Q           Have you talked to the police, these police  
12   right here (indicating)? Is that who you call the  
13   police?

14   A           Uh-huh.

15   Q           How many times did you talk to them?

16   A           Uh ...

17   Q           More than once?

18   A           Yes, sir.

19   Q           You talked to your grandmother about coming  
20   to court?

21   A           Yes, sir.

22   Q           More than once?

23   A           Yes, sir.

24   Q           You talked to your sisters about it?

25   A           Yes, sir.

1 Q And you really didn't remember a lot about  
2 what happened because you were six years old, and you  
3 just really know what somebody else told you about it,  
4 don't you?

5 A Yes, sir.

6 MR. FORD: That's all.

7 THE COURT: Well you were there and saw it;  
8 is that correct?

9 THE WITNESS: Yes, sir.

10 - - - - -

11 **FURTHER REDIRECT EXAMINATION**

12 **BY MR. WOODALL:**

13 Q Sweetie, what you told us happened, is that  
14 something you saw and you heard?

15 A Yes, sir.

16 Q It's not something that somebody told you.

17 THE COURT: Now, General, I think that's  
18 sufficient. She's already ...

19 MR. WOODALL: Okay, thank you. That's fine,  
20 Your Honor.

21 THE DEFENDANT: I love you, Stephanie. Thank  
22 you, Stephanie. You're sweet.

23 **(WITNESS EXCUSED.)**

24 **(There was a conference at the**  
25 **bench as follows:)**



1 MR. FORD: I don't know what Mr. Woodall is  
2 doing, but I do object to that. It's highly improper.

3 THE COURT: Well I don't know what you're  
4 thinking.

5 But, you going out there and talking, there  
6 could be an inference that you're out there talking to  
7 them, so I would suggest that you -- I'm not being  
8 critical of you.

9 MR. WOODALL: Well I understand that, and, of  
10 course, I have the right to talk to my own witnesses.

11 THE COURT: You have the right, but normally  
12 you don't do it between witnesses the day of the trial.  
13 Of course you have a right to talk to them, but you  
14 don't want to give that inference.

15 MR. WOODALL: No.

16 MR. FORD: We object and ask for a cautionary  
17 instruction to the jury on that issue, Judge.

18 **(End of conference at the bench.)**

19 THE COURT: Ladies and gentlemen, these young  
20 ladies are being held in another place, and so what  
21 General Woodall is not to be talking to these children  
22 but to go out and be sure they know when to bring them  
23 in. That's the purpose, and I want to be sure that  
24 that's understood.

25 - - - - -

1                   **CYNTHIA LAMBERT** was called and being first  
2   duly sworn, was examined and testified as follows:

3                   MR. FORD: We need another side bar.

4                   **(There was a conference at the**  
5                   **bench as follows:)**

6                   MR. FORD: Your Honor, at this time I would  
7   ask that the grandmother be removed from the courtroom.  
8   She approached one of the deputies over here and said  
9   that Mr. Hall was trying to communicate with these  
10   girls with sign language or whatever. I think we need  
11   to hear from the deputy.

12                  THE COURT: What's her name?

13                  MR. FORD: Mrs. Lambert.

14                  THE COURT: All right.

15                  MR. WOODALL: We don't need to do it in front  
16   of the jury, Your Honor.

17                  **(End of conference at the bench.)**

18                  THE COURT: Go in the jury room just a  
19   minute, ladies and gentlemen.

20                  **(The jury was excused from open court,**  
21                  **and the following proceedings were**  
22                  **had to-wit:)**

23                  MR. WOODALL: Let the little girl down,  
24   rather than have her sit through this.

25                  **(WITNESS EXCUSED.)**

1 THE COURT: All right, Mr. Ford, what's your  
2 request?

3 MR. FORD: Your Honor, it's just come to my  
4 attention that one of the spectators in the courtroom  
5 has --

6 THE COURT: Well which spectator?

7 MR. FORD: I believe it's Mrs. Lambert.

8 THE COURT: Mrs. Lambert, all right. Did  
9 what?

10 MR. FORD: Had come up to one of the deputies  
11 just a minute ago and had had a complaint about Mr.  
12 Hall's conduct, and we feel like that we're trying to  
13 have a trial here, and spectators should not interfere,  
14 make comments, try to communicate --

15 THE COURT: Mrs. Lambert, you go outside and  
16 just remain outside.

17 THE DEFENDANT: Your Honor, if it would make  
18 everybody feel comfortable, my girls feel comfortable  
19 if they don't want to see me when they testify, I'll go  
20 out, because I don't want the girls to feel  
21 uncomfortable.

22 THE COURT: He said what now?

23 MR. FORD: He says if it makes these young  
24 ladies uncomfortable to see him, he'll position himself  
25 in the courtroom where they won't see him.

1 THE DEFENDANT: I can go to the chambers or  
2 whatever. I don't want to --

3 THE COURT: Well it's up --

4 THE DEFENDANT: I don't want them to think  
5 that they are going to be intimidated --

6 THE COURT: Mr. Hall, you can confer with  
7 your lawyer, but, see the court is now that you're  
8 entitled to be here, and if you request it, you can --  
9 to go to the anteroom while your daughters are  
10 testifying, I'll consider it.

11 THE DEFENDANT: I just don't want them to  
12 feel like that I'm threatening them or anything like  
13 that, because my girls are innocent.

14 THE COURT: Again, Mr. Ford, it's his choice.

15 MR. FORD: Yes, sir, I understand, Your  
16 Honor.

17 THE COURT: If he desires thinking that it  
18 might feel less threatening or whatever, if he desires,  
19 I'm going to allow him to be removed to the anteroom.

20 MR. FORD: I recommend --

21 THE COURT: So you just ask him which he  
22 desires. I have no problem with it.

23 MR. FORD: I recommend against that, Your  
24 Honor.

25 THE COURT: I don't see that that -- Mr.

1 Hall, unless you're uncomfortable, it may -- it might  
2 be to your interest to sit here and listen to  
3 everything that takes place. You understand me?

4 THE DEFENDANT: My girls were young, and --

5 THE COURT: I'm going to tell your children  
6 that everything is under control. I'll talk to this  
7 little girl, okay?

8 THE DEFENDANT: Can I talk to them --

9 THE COURT: No, sir.

10 THE DEFENDANT: I mean afterwards, and tell  
11 them that I love them and that everything's okay.

12 THE COURT: Mr. Hall, we'll cross that bridge  
13 when we get to it. We're in a trial now.

14 Bring the jury in.

15 THE DEFENDANT: Because I don't want it to  
16 weigh on their conscious or feel that they've done  
17 anything wrong because they haven't.

18 **(The jury returned into open court,**  
19 **and the following proceedings were**  
20 **had to-wit:)**

21 THE COURT: Young lady, look at me just a  
22 minute. What's your name?

23 THE WITNESS: Cynthia.

24 THE COURT: Cynthia. How old are you,  
25 Cynthia?

1 THE WITNESS: 10.

2 THE COURT: Do you go to school?

3 THE WITNESS: Yes.

4 THE COURT: What grade school are you in?

5 THE WITNESS: Fourth.

6 THE COURT: You know now that you're sworn to  
7 tell the truth. You're going to tell the truth. You  
8 know it's wrong to not tell the truth?

9 THE WITNESS: Yes.

10 THE COURT: You understand you could be  
11 punished if you lie.

12 THE WITNESS: Yes.

13 THE COURT: All right. What you'll be doing  
14 is answering some questions. There's nobody -- nothing  
15 going to happen to you here. I'm here, and we have  
16 these officers here, and everything is under control.  
17 If you will, you just understand when they ask you to  
18 tell the truth. You understand that?

19 THE WITNESS: Yes.

20 THE COURT: General, I might suggest that you  
21 stand right there (indicating), and that a'way because  
22 the jury can hear.

23 **DIRECT EXAMINATION**

24 **BY MR. WOODALL:**

25 Q Tell us what your name is.

1 A Cynthia.

2 Q Okay, Cynthia, how old are you?

3 A Ten.

4 Q And where do you live, Cynthia?

5 A In Huntingdon on Paris Street with my grandma  
6 and grandpa.

7 Q Okay. And where did you live prior to moving  
8 with your grandma and your grandpa?

9 A On Hollow Rock. I lived in Lexington.

10 Q All right, now, when you lived in Lexington,  
11 was your mama married to anybody?

12 A Yes.

13 Q Who was she married to?

14 A Jon.

15 Q Jon? Now speak up where we can hear you,  
16 okay? And were Jon and your mother living together?

17 A Yes.

18 Q Did they have some problems?

19 A Yes.

20 Q And as a result of those problems, did Jon  
21 move out?

22 A He moved out once and then he didn't come  
23 back.

24 Q Now, let's talk about one night something  
25 happened to your mama, didn't it?

1 A Yes.

2 Q And did anybody come to the house before

3 something happened to your mama?

4 A Yes.

5 Q Who?

6 A Jon.

7 Q And how did you know Jon was there?

8 A Because I saw him at the door.

9 Q Did you open the door?

10 A No.

11 Q Who went to the door?

12 A Mama.

13 Q Did she let him in?

14 A No.

15 Q What happened?

16 A He pushed his way in.

17 Q And what happened after he pushed his way in?

18 A He went down to the living room and told us

19 to go to bed, so we went to bed.

20 Q And how was your mama dressed?

21 A In her night clothes.

22 Q Do you remember what she had on, honey?

23 A She had on a black and white t-shirt with

24 some black pants on.

25 Q All right. Who did you share a bedroom with?



1 A Jessica and Stephanie.

2 Q Now did all four girls go in the same  
3 bedroom?

4 A No.

5 Q Okay. After you got in your bedroom, did you  
6 hear something?

7 A Yes.

8 Q And where was your bedroom in relationship to  
9 your mother's bedroom?

10 THE COURT: Was it right by it or down the  
11 hall or what?

12 THE WITNESS: It was not very close to it.  
13 It was right next to Jennifer's bedroom, and Jennifer's  
14 bedroom was close to Mama's.

15 Q Okay. So did you hear something? Did you  
16 hear any noise coming from your mama's bedroom?

17 A Uh-huh.

18 Q What did you hear?

19 A Things slamming around.

20 Q And what did you do?

21 A We all went in there where Mama and they  
22 were.

23 Q Where were they?

24 A In her bedroom.

25 Q Were you able to get into her bedroom?

1 A It was hard to get in there because there was  
2 stuff blocking the door.

3 Q Now what did you see after you got in there?

4 A Mama and Jon fighting.

5 Q And did you do anything, or you and the other  
6 girls do anything to stop the fight?

7 A Uh-huh.

8 Q What did you do?

9 A I jumped on his back and bit him.

10 Q What did he do to you?

11 A Not really anything because I fell off his  
12 back.

13 Q Did anybody try to call for help?

14 A Me and Stephanie tried to.

15 Q What did you try to do?

16 A Called for 911, but the phones were off the  
17 hook.

18 Q Did you go anywhere to ask for help?

19 A Uh-huh.

20 Q Did Jon tell you anything would happen if you  
21 went for help?

22 A Yes.

23 Q What did he tell you?

24 A He told us if we went for help he was going  
25 to kill Mama.

1 Q Did you go for help anyway?

2 A Uh-huh.

3 Q Now, did you ever see your mama outside the  
4 bedroom?

5 A We were in the living room one time, and then  
6 when we went to bed they went into their bedroom.

7 Q All right, now, after you saw them fighting  
8 in the bedroom, did you see your mama outside the  
9 house?

10 A No.

11 Q And after you tried to use the phone, where  
12 did you go?

13 A Me and Stephanie went up to a neighbor's and  
14 called 911.

15 Q Now, whose house would that be?

16 A I don't remember their last name, but it was  
17 a neighbor's. One of them was their daughter named  
18 Pamela Foreman. That's the only person I really know.

19 Q And how did you know Pamela?

20 A Because she was our friend.

21 Q Did Pamela take you anywhere, or did anybody  
22 take you anywhere?

23 A Her mom did.

24 Q And what did she do?

25 A She got me and Stephanie and we went for a

1 ride.

2 Q Now, so once you went and called or had 911  
3 called, you didn't see your mama again or anything else  
4 that happened.

5 A Unh-unh.

6 Q Now, did your mama have a job? Did she work  
7 during the daytime?

8 A I don't remember unless -- All I remember is  
9 that she didn't go to work for the last few days.

10 Q Okay. Did she also go to school?

11 A Yes, she went for a while, and then she  
12 wasn't going; she was still with us.

13 Q Did Jon say anything about your mama's school  
14 that night?

15 A I don't know of anything that he was saying  
16 to Mama.

17 Q Okay. Do you see Jon in the courtroom?

18 A Uh-huh.

19 Q Would you point him out, please?

20 A (Pointing).

21 MR. WOODALL: Let the record so reflect.

22 - - - - -

23 **CROSS-EXAMINATION**

24 **BY MR. FORD:**

25 Q Cindy, my name is Jay Ford, and I'm Jon's

1 lawyer and I have to ask you a few questions. You're  
2 in the fourth grade?

3 A Yes.

4 Q Who is your teacher?

5 A Ms. Pat.

6 Q Ms. Pat?

7 A Dillahunty.

8 Q What are y'all studying now?

9 A We're studying geography.

10 Q Map reading and things of that nature?

11 That's a big word, isn't it? Geography. And I know  
12 you're nervous, and what I want to do is try to put you  
13 at ease to answer some questions. Nobody is going to  
14 try to threaten you or anything of that nature. Okay?  
15 But as part of my job I have to ask you some questions.

16 When you and your mother and your dad --  
17 Y'all did refer to Jon as your dad when y'all were all  
18 living together?

19 A Yes.

20 Q And why have y'all started calling him Jon  
21 now?

22 A Because of what he did.

23 Q Okay. When your mother would work or go to  
24 school, would Jon take care of you and your sisters?

25 A No.

1 Q Never did. Never fixed you any meals or  
2 anything of that nature?

3 A No.

4 Q Did he ever take you all anywhere when your  
5 mother worked?

6 A Not that I know of.

7 Q What did he do?

8 A He would always be working outside on cars  
9 and things like that.

10 Q The week before this happened, did he come  
11 over and work on your mom's car?

12 A Yes.

13 Q Was it up on a jack out in front of your  
14 house?

15 A Yes.

16 Q How many times did he come that week to work  
17 on the car?

18 A Two or three times. I'm not really for sure.

19 Q Was your mom at home when he would come?

20 A No.

21 Q Was she working?

22 A Yes.

23 Q Do you remember talking to some police  
24 officers about this?

25 A Yes.

1 Q Do you remember telling them that your mother  
2 let Jon in?

3 A No.

4 Q That he wouldn't do anything to her?

5 A No.

6 Q You never made that statement?

7 A Unh-unh.

8 MR. FORD: Your Honor, if I could have her  
9 review this.

10 THE COURT: Yes, sir.

11 MR. WOODALL: That's nothing she prepared.  
12 If he wants to call an officer in and impeach her,  
13 that's fine.

14 MR. FORD: Your Honor, it's a statement. I  
15 think that she can review this and it may refresh her  
16 memory.

17 THE COURT: I'm going to allow her to review  
18 it to refresh her memory. Show it to her and ask her.

19 Young lady, read that, and he's going to ask  
20 you whether or not you remember things in that. If you  
21 do, you answer it. If you don't, you tell him you  
22 don't know.

23 Young lady, do you remember the officers  
24 talking to you?

25 THE WITNESS: Yes.

1 THE COURT: All right. Now, Mr. Ford is  
2 going to ask you about what you told them, and you've  
3 read that to refresh your memory, and if that makes you  
4 remember it, tell him it does, and if it don't, tell  
5 him it doesn't.

6 Go ahead.

7 Q Do you remember what I asked?

8 THE COURT: Ask her a question, Mr. Ford.

9 MR. WOODALL: Your Honor, I don't have any  
10 objection if she just reads the whole statement.

11 MR. FORD: Your Honor, I'm running this  
12 lawsuit. If Mr. Woodall wants to get on the other  
13 side, we can --

14 THE COURT: Mr. Ford, neither one of you now.  
15 Let's just go ahead. I've told you to go ahead and  
16 question her, Mr. Ford.

17 MR. FORD: Yes, sir. I apologize to the  
18 Court.

19 THE COURT: He said he had no objection to  
20 all of it, but that's neither here nor there. That's  
21 his problem.

22 MR. FORD: Yes, sir.

23 Q Cindy, do you remember telling the officers  
24 that your mother let Jon in and that she told him that  
25 they didn't want to fight, they didn't want to have a



1 fight, they wanted to talk?

2 THE COURT: Now he's asked you did that  
3 happen? If it didn't, tell him what -- explain it.

4 A Well, I knew part of it. The only thing I  
5 understood was that Mama said not -- that she didn't  
6 want to fight. That's the only thing.

7 Q All right. And when Jon first got there,  
8 they didn't fight, did they?

9 A No.

10 Q She let him in the house, didn't she?

11 A Not really. He pushed his way in.

12 Q But you didn't tell the police that though,  
13 did you?

14 A I don't remember.

15 Q Don't remember that. Who have you talked to  
16 about coming to court today?

17 A My grandma.

18 Q Who else?

19 A Ms. Georgia.

20 Q And did you tell them that Jon had pushed his  
21 way in or did they tell you that?

22 A I didn't remember that at that time.

23 Q You didn't remember. So that's really not  
24 something that you recall from your memory, is it?

25 A No.

1 THE COURT: Excuse me? What?

2 Q Is it something that Ms. Georgia or your  
3 grandmother told you probably happened?

4 A No.

5 Q But you really don't remember that part of  
6 it?

7 A No.

8 Q Okay. Do you remember whether or not Jon had  
9 anything to drink, any beer or anything?

10 A Yes.

11 Q Was he drinking when he was there with your  
12 mother?

13 A He got one out and started drinking it.

14 Q Did he bring some beer with him?

15 A Uh-huh.

16 Q Do you all have a younger sister that has  
17 C.P.?

18 A I don't know what that is.

19 Q Is she sick? Does she have some --

20 A She has cerebral palsy.

21 Q Okay, cerebral palsy. All right. Do you  
22 remember Jon giving your mother a money order that  
23 night or anything like that?

24 A No.

25 Q Don't remember that. Was Jon concerned about

1 your younger sister, about her health problems?

2 A Not that I know of.

3 Q You just don't remember. Did Jon work?

4 A He once did and then he quit.

5 Q When he quit did he come home and babysit

6 y'all while your mom went to classes at night or went

7 to work at the hospital?

8 A Well, not really because we would always be

9 having a babysitter. He'd be out somewhere else.

10 Q Did your mama and daddy love each other?

11 THE COURT: Well, Mr. Ford, I don't think

12 that's a fair question to her. You can ask how they

13 acted, but ...

14 Q Were there times when they acted like they

15 cared about each other?

16 A I have never seen anything.

17 Q You never saw them kiss?

18 A Unh-unh.

19 Q In how many years? Five or six?

20 A I'm not sure.

21 Q So Jon never had a kind word to your mother

22 in five years? Is that what you're --

23 A Maybe once in a while but not all the time.

24 Q Okay.

25 - - - - -

1 MR. WOODALL: Your Honor, since Mr. Ford has  
2 had her refresh her memory by reading that statement,  
3 I'd like to go into that a little further.

4 THE COURT: You can. He opened it up.

5 **REDIRECT EXAMINATION**

6 **BY MR. WOODALL:**

7 Q Now, sweetie, now you've had a chance to read  
8 both pages of this statement. Take your time and read  
9 both pages.

10 MR. FORD: Your Honor, side bar, Your Honor  
11 please.

12 MR. WOODALL: Could she be reading this while

13 --

14 THE COURT: Yes.

15 **(There was a conference at the**  
16 **bench as follows:)**

17 MR. FORD: Your Honor, we questioned her  
18 about two minutes on the first page of a statement. We  
19 didn't go into the statement on the second page. Mr.  
20 Woodall can go into what we questioned her about, not  
21 the entire statement.

22 THE COURT: Your motion is overruled. When  
23 you open the statement, you got a right to show this  
24 other information what she said in the statement, so  
25 I'm going to allow it. Mr. Mayo says no, but I say

1 yes.

2 MR. MAYO: Well I think it would lead to what  
3 she -- what Mr. Ford questioned her on. But he's  
4 limited to what was put on. Mr. Woodall can't just  
5 open it back up and ask her about things we didn't ask  
6 her about.

7 THE COURT: Mr. Ford, I'm going to allow him  
8 to allow her to look at that statement and ask her if  
9 -- what else was -- anything else in the statement.

10 Now you're confined to the statement,  
11 General.

12 MR. WOODALL: I understand that.

13 **(End of conference at the bench.)**

14 THE COURT: Now, young lady, he's going to  
15 ask you some more questions, and you've read this, but  
16 if you remember, answer him, and if you don't remember  
17 what he asks you, then you don't remember. You  
18 understand me?

19 THE WITNESS: Yes, sir.

20 THE COURT: Just tell what you remember to  
21 any question he asks, and if you don't remember, just  
22 say, "I don't remember." Okay?

23 THE WITNESS: Okay.

24 THE COURT: All right, General.

25 Q Cynthia, you told us that you talked to an

1 officer that night.

2 A Yes, sir.

3 Q And you told him some things, correct?

4 A Yes.

5 Q And he put it down in that statement, and you  
6 have -- Did you get to read both pages of that  
7 statement?

8 A Some of it I read but not all of it.

9 Q Well you finish reading all of it. I want  
10 you to go through everything and then we'll ask you  
11 some questions.

12 Have you read it all?

13 A Yes.

14 Q Does that refresh your memory or remember  
15 more now than you did while ago before you looked at  
16 that?

17 A I never knew anything about the second page  
18 because I wasn't even around when that happened.

19 Q All right. So you don't remember anything  
20 about that.

21 MR. WOODALL: Well I don't think it would be  
22 appropriate to ask her about it then.

23 THE COURT: All right.

24 MR. WOODALL: Thank you very much.

25 THE COURT: Anything further, Mr. Ford?

1 MR. FORD: No, sir, Your Honor.

2 (WITNESS EXCUSED.)

3 - - - - -

4 JENNIFER LAMBERT was called and being duly  
5 sworn, was examined and testified as follows:

6 THE COURT: Young lady, I want you to speak  
7 up so that those people over there can hear you. The  
8 lawyer is going to ask you questions. You sort of look  
9 at him when you answer and talk loud enough where you  
10 think they can hear you. You understand?

11 THE WITNESS: Yes, sir.

12 DIRECT EXAMINATION

13 BY MR. WOODALL:

14 Q Would you tell me your name?

15 A Jennifer.

16 Q Jennifer, how old are you?

17 A Eleven.

18 Q Where do you go to school?

19 A Huntingdon Elementary.

20 Q And what grade are you in?

21 A Sixth.

22 Q And do you know what it means to tell the  
23 truth?

24 A Yes, sir.

25 Q What happens to you if you don't tell the

1 truth?

2 A You get a spanking.

3 MR. WOODALL: Your Honor, I --

4 THE COURT: All right, go ahead.

5 Q Now, back when you lived in Henderson County,  
6 who did you live with?

7 A My mom.

8 Q Okay. And did your mom have a husband that  
9 she was separated from?

10 A Yes, sir.

11 Q Was your mom married to somebody when she  
12 lived in Henderson County?

13 A Yes, sir.

14 Q What was the individual's name?

15 A Jon.

16 Q Now, was Jon living with you and your mama  
17 and your sisters at the time this situation occurred?

18 A I don't think so.

19 Q Now, tell me what happened that night. Just  
20 go through from the very beginning.

21 THE COURT: Young lady, were you there at  
22 home that night? Did your father come out there?

23 THE WITNESS: Uh-huh.

24 THE COURT: Tell what happened when he come  
25 out there. Just tell us about what happened.



1 Q Just go ahead and tell me what happened,  
2 honey.

3 THE COURT: Anything you remember.

4 A He told us to go to bed. He went into the  
5 bedroom and started a fight.

6 Q Where were you when you were aware that there  
7 was a fight?

8 A My bedroom.

9 Q And what did you do when you heard this fight  
10 going on?

11 A We were trying to go in their room.

12 Q What room did you try to go into?

13 A Bedroom.

14 Q Whose bedroom?

15 A My mother's.

16 Q Were you able to get into the bedroom?

17 A Barely.

18 Q What caused you a problem?

19 A The vacuum cleaner and sewing machine.

20 Q And where were they?

21 A Behind the door.

22 Q Now, did you get inside your mama's bedroom?

23 A Yes.

24 Q What did you see when you got in there,  
25 honey?

1 A Them fighting.

2 Q And did you do anything to try to stop the  
3 fight?

4 A Yes.

5 Q What did you do?

6 A I can't remember, but I tried to stop it.

7 Q Speak up just a little bit. You can't  
8 remember but you tried to stop it. Did you try to call  
9 anybody for help?

10 A No, my sister did.

11 Q Were you able to stop their fight?

12 A No.

13 Q Did your mama leave the bedroom?

14 A Yes, sir.

15 Q And where did she go?

16 A Out in the parking lot.

17 Q And did anybody go after her?

18 A Yes.

19 Q Who?

20 A Jon.

21 Q And what did he do? What did he do to your  
22 mama out on the parking lot?

23 A Dragged her to the pool.

24 Q Pardon me?

25 A Dragged her to the pool.

1 Q Did he say what he would do to any of you  
2 kids if anybody went for help?  
3 A He would kill her.  
4 Q Kill?  
5 A My mom.  
6 Q Now you said he drug her down to the pool.  
7 A Yes, sir.  
8 Q All right. Now, did you leave and go  
9 anywhere?  
10 A Yes, sir.  
11 Q Where did you go?  
12 A Up to the neighbor's house.  
13 Q And did you take anybody with you?  
14 A Yes, sir.  
15 Q Who did you take?  
16 A My little sister.  
17 Q And what's her name?  
18 A Jessica.  
19 Q And how did you get Jessica to your  
20 neighbor's?  
21 A Carried her.  
22 Q Why did you have to carry her?  
23 A She wasn't able to walk.  
24 Q Why did you take her? Why didn't you leave  
25 her at the house?

1 A I was taking care of her.

2 Q When your mama was being drug down to the  
3 pool, was she kicking and screaming or making any  
4 noise?

5 A Yes, sir.

6 Q Now, do you see the person in this courtroom  
7 today that did these things to your mama?

8 A Yes, sir.

9 Q Could you point that individual out, please?

10 A Over there (indicating).

11 MR. WOODALL: Let the record so reflect.

12 Your witness.

13 - - - - -

14 **CROSS-EXAMINATION**

15 **BY MR. FORD:**

16 Q Jennie, I'm Jay Ford, and I'm a lawyer, and I  
17 have to ask you some questions. That's part of my job.

18 Q Do you remember swimming at Beech Lake?

19 A No.

20 Q Do you remember swimming in Cedar Lake?

21 A No, sir.

22 Q Have you ever done that?

23 A Swimming in some lake, but I don't remember  
24 what it was.

25 Q Did Jon take you and the other girls down to

1 Beech Lake one time?

2 A I don't remember.

3 Q Did he take you to Cedar Lake?

4 A I don't remember what lake it was, but it was  
5 some lake.

6 Q Y'all all went to the lake. Did your mother  
7 go with you or was it Jon and the girls?

8 A I don't remember.

9 Q Do you know how long ago it was?

10 A No, sir.

11 Q But he did take you places?

12 A Yes, sir.

13 Q Did he ever make you meals?

14 A I don't remember.

15 Q Don't remember that. Did he work?

16 A I don't know.

17 Q Have you talked to anybody about coming to  
18 court today and testifying?

19 A No, sir.

20 Q You haven't talked to anybody?

21 A I can't remember.

22 Q Take your time. Who did you talk to?

23 A Mr. Woodall.

24 Q Anybody else?

25 A Police.

1 Q You talked to the police. Anybody else?

2 A Not that I can recall.

3 MR. FORD: That's all, Your Honor.

4 (WITNESS EXCUSED.)

5 (There was a recess for lunch from

6 11:15 a.m. until 1:30 p.m.; and the

7 following proceedings were had

8 to-wit:)

9 DR. OBRIEN CLARY SMITH was called and being  
10 first duly sworn, was examined and testified as  
11 follows:

12 **DIRECT EXAMINATION**

13 **BY MR. WOODALL:**

14 Q Would you state your name, please?

15 A Dr. Obrien Clary Smith.

16 Q Dr. Smith, are you licensed to practice a  
17 profession in the State of Tennessee?

18 A Yes, I am.

19 Q And what is that profession?

20 A Physician.

21 Q And when were you first licensed in  
22 Tennessee?

23 A 1980.

24 Q Would you tell us about your educational  
25 background leading up to your current certifications

1 and positions with the University of Tennessee Medical  
2 School as well as with the medical examiner's office?

3 A Yes. I received my Bachelor of Science  
4 Degree from the University of Wisconsin in 1974 in the  
5 field of bio-chemistry and chemistry. I received my  
6 Doctor of Medicine Degree from the Medical College of  
7 Wisconsin in Milwaukee in 1978.

8 MR. FORD: Your Honor, we'll stipulate to his  
9 qualifications.

10 THE COURT: All right, sir.

11 By agreement, this doctor's qualifications  
12 are stipulated. That means that he's a well-qualified  
13 doctor who will be able to testify as to matters in  
14 this case.

15 MR. WOODALL: Thank you, Your Honor. I'd  
16 still like for the jury to understand his educational  
17 background.

18 THE COURT: Well go ahead if that's what you  
19 want.

20 Q Go ahead, Doctor.

21 A After graduating from medical school I came  
22 to the University of Tennessee at Memphis to receive  
23 training in anatomic pathology, clinical pathology and  
24 forensic pathology. I became a Diplomate of the  
25 American Board of Pathology in those three specialties

1 of anatomic, clinical and forensic pathology in 1983  
2 and subsequently became a faculty member at the  
3 University of Tennessee at Memphis. I currently hold  
4 the rank of associate professor of pathology in the  
5 division of forensic pathology.

6 Q Now, in addition to your civilian duties, do  
7 you also have some military duties?

8 A Yes, sir, I currently hold the rank of  
9 captain in the United States Naval Reserve.

10 Q Now, Doctor, would you please define the  
11 three areas of pathology that you're board certified  
12 in, clinical, anatomical and forensic?

13 A Yes, sir. Perhaps the best way to start off  
14 is saying that pathology is the study of disease,  
15 disease processes and how they affect the human body.

16 Anatomic pathology is that type of pathology  
17 that's practiced when a patient is operated on in a  
18 hospital, portions of the body that may be removed by  
19 the surgeon are examined by an anatomic pathologist.

20 Clinical pathology is more the laboratory  
21 testing where the blood specimens and urine specimens  
22 that are taken at a hospital are analyzed in a  
23 laboratory that is directed by a clinical pathologist.

24 Forensic pathology is additional training in  
25 the area of physical injury, as well as the affects of



1 drugs, alcohol and poisons on the human body.

2 Q Doctor, did you have the opportunity during  
3 the performance of your official duties as a forensic  
4 pathologist and assistant medical examiner to perform  
5 an autopsy upon the remains of one Billie Hall?

6 A Yes, sir, I did.

7 Q And when were the remains of Billie Hall  
8 received into your department?

9 A On the 30th of July, 1994 at 6:30 in the  
10 morning, the body identified to me as Billie Hall was  
11 received by the Regional Forensic Center. I first  
12 examined and began to conduct the autopsy on Billie  
13 Hall at 8:30 that morning.

14 Q Now at the time you began and during the  
15 course of the performance of your autopsy protocol, did  
16 you have the use and the benefit of a report of  
17 investigation from the county medical examiner for  
18 Henderson County, Dr. Reggie Henderson?

19 A Yes, sir. Dr. Henderson had made several  
20 documents available to me to review prior to the  
21 autopsy.

22 Q And did you do that?

23 A Most certainly.

24 Q Tell us what is involved in the autopsy  
25 protocol. What are the three different things that you

1 do and the order in which you conduct these  
2 examinations.

3 A Yes, sir. Basically an autopsy has three  
4 different phases. The first is an external examination  
5 phase in which the body is viewed both in clothed and  
6 unclothed state, unwashed and then washed, to determine  
7 the presence, first off, of any disease processes, as  
8 well as to delineate or to identify any physical  
9 injuries on the body. Diagrams are prepared, notes may  
10 be made and photographs taken to help document all the  
11 things on the body that may be significant.

12 The next stage is a surgical stage in which  
13 the body is opened through surgical incision, into the  
14 head, the chest, the abdominal cavity and any other  
15 portions of the body in which there is a specific  
16 interest. This is done for the purpose, again, of  
17 finding how much natural disease progress has played a  
18 role in the patient's death, as well as to identify the  
19 extent or the type of body injuries received, as well  
20 as to recover trace evidence such as knives or bullets,  
21 knife tips or bullets and things like that.

22 Additionally, each organ is surgically  
23 removed and surgically opened to be examined by a naked  
24 eye, and if necessary, with low power magnification to  
25 help identify any disease state or to examine the

1 injuries present.

2           The laboratory phase of the autopsy is the  
3 third and final phase in which tissues that have been  
4 removed in autopsy are examined under a high power  
5 microscope, as well as body fluids such as blood and  
6 urine and such may be removed at autopsy for  
7 examination by a clinical laboratory.

8           When all those stages are complete, then  
9 hopefully the autopsy can be complete enough to arrive  
10 at a cause of death.

11 Q           Now, Doctor, let's address the toxicology  
12 aspect of your examination first. Were there any drugs  
13 or alcohol found in the remains of Billie Hall?

14 A           As far as drugs, Billie Hall's blood tested  
15 positive for caffeine, a substance which can be found  
16 in many soft drinks, coffee, tea and such like that.  
17 As far as alcohol, she had a level which was below our  
18 level of detectability which means less than one-  
19 hundredth of one gram per deciliter of blood. So it's  
20 really below the area which our laboratory can  
21 identify.

22 Q           Would this level of alcohol be produced from  
23 the inhaling of alcoholic beverages, or would it be as  
24 a result of the normal processes of death?

25 A           At a level this low, it's -- first of all

1 it's a very trivial level. It's, again, below our  
2 level of detectability. The next level below this  
3 stage is negative. A level this low may reflect some  
4 decomposition of the body. The body may actually begin  
5 to ferment after death, or it may have indicated some  
6 past exposure to alcohol. But, again, it's an  
7 insignificant amount.

8 Q Now what did your visual inspection reveal?

9 A Well the visual inspection revealed that Mrs.  
10 Hall had sustained numerous injuries to her body,  
11 predominantly bruises, which I may use the term  
12 contusions to describe, skin scrapes also known as  
13 abrasions, as well as skin tears, known as lacerations.  
14 There was a fracture of her nose, and additionally the  
15 body was received in a very wet condition. The skin  
16 was wet and the clothing that she was wearing was wet.

17 Q Now what did your anatomical diagnosis  
18 reveal?

19 A The anatomic diagnosis revealed that Mrs.  
20 Hall died primarily as a result of asphyxia, or a  
21 condition in which oxygen has been denied to the body.  
22 A person essentially does not get the air that is  
23 necessary in order to breathe and live. More than one  
24 mechanism was found that could explain this. First  
25 off, Mrs. Hall had evidence of manual strangulation in

1    which a compressive force was applied to the neck that  
2    could prevent her from breathing.  Additionally, in  
3    conjunction with the finding of the body being very  
4    wet, there were changes in Mrs. Hall's body that  
5    indicated she also may have drowned or drowned and been  
6    strangled at the same time.  Both findings showed that  
7    there were two mechanisms present, and those would sort  
8    of be a race between which one could actually cause her  
9    death.  But both mechanisms killed by the same event,  
10   which is asphyxia or denial of the body the oxygen  
11   that's required to breathe and live.

12   Q           Now you said -- Was there any ingestion of  
13   water into the remains of Billie Hall during her  
14   lifetime?

15   A           Yes, sir.  When I examined her stomach  
16   contents, I found about two ounces of water sitting on  
17   top of her normal gastric contents, and water does not  
18   readily mix with the gastric contents immediately.  It  
19   can stay on top of those.  And when you autopsy  
20   drowning victims, you'll see very frequently that they  
21   have swallowed water and that water is present in the  
22   gastric contents.  Additionally, if a person would  
23   drink a glass of water shortly before they died, that  
24   water also would not mix with the gastric contents.  
25   But the findings of water in her stomach and the other

1 findings present in the body, again, would corroborate  
2 or reinforce the finding that she may have -- that  
3 drowning may have played a role in her death as well.

4 Q Does that mean that at the time -- Let's  
5 assume that her body was found floating face down in a  
6 swimming pool. Would the presence of water in her  
7 stomach, along with the manual strangulation, would  
8 that indicate to you that the person, that Billie Hall,  
9 was alive in the swimming pool and died after being  
10 placed in the swimming pool?

11 A Yes, sir, if the water in her stomach truly  
12 came from the swimming pool, which again would be  
13 difficult to prove since they are both chlorinated  
14 purified water. But if the water in her stomach was  
15 swimming pool water, then she would have -- that would  
16 have entered her stomach after -- while she was still  
17 alive. Additionally, the other laboratory findings  
18 indicate that there was some dilution of her blood.  
19 When a person drowns and takes water into their lungs,  
20 that water will enter the blood stream and will begin  
21 to dilute it. Such a finding was found in Mrs. Hall's  
22 case, but that finding was not so extensive to say that  
23 drowning was the exclusive cause of death.

24 Q So basically if I understand what you're  
25 saying, that you can't separate the manual

1 strangulation from the ingestion of water or the  
2 drowning aspect because they both contribute to the  
3 same thing and that's the inability to breathe.

4 A That's correct, and that's stated in the  
5 autopsy report and the narrative of findings where I  
6 state that this 29-year-old white woman died as a  
7 result of a lack of oxygen arising from compressive  
8 forces applied about the neck with a possible  
9 contribution of drowning as well.

10 Q Did you find any other items during your  
11 anatomical diagnosis?

12 A Yes, sir.

13 Q And what would that be?

14 A In conjunction with the finding of manual  
15 strangulation, there were bruises on left and right  
16 sides of the front of the neck, the deep muscles in the  
17 neck and in the tissues surrounding a bone known as the  
18 hyoid bone which is frequently damaged in  
19 strangulation. There was hemorrhaging or bleeding  
20 about those neck muscles and about that bone.  
21 Additionally, her thyroid gland had bleeding about it  
22 on the left side.

23 Q What does that indicate to you?

24 A That indicates extensive compression to the  
25 neck. Additionally, in the neck region, in back of the

1 throat and in front of the spine, there was about two  
2 ounces of blood in what's known as the retro-pharyngeal  
3 space. That's the space where the back of the mouth  
4 begins to contact the spine as it descends into the  
5 chest cavity. That area contained about two ounces of  
6 blood.

7 Q Is that further indication of manual  
8 strangulation?

9 A Yes, sir.

10 Q Go ahead.

11 A Also in support of an asphyxial-type death or  
12 death by the denial of oxygen, there are small pin-head  
13 size hemorrhages into the whites of her eyes and into  
14 the various surfaces of the internal organs. Those  
15 hemorrhages or bleeding points are known as petechiae  
16 and they can be seen in asphyxial-type deaths.

17 Additionally, the water was found in her  
18 stomach. Her lungs had filled with some fluid and had  
19 also begun to collapse. The right side of the heart  
20 was dilated which can be seen both in drowning and  
21 strangulation.

22 There are some associated findings also  
23 present on the body that were not associated with  
24 strangulation or the drowning mechanisms. They  
25 included blunt trauma or blows to the head, fracture of



1 the nose. She swallowed some blood. She also  
2 aspirated blood, or breathed blood, down into her  
3 windpipe and into her lungs.

4 There were also multiple skin tears, multiple  
5 bruises and skin scrapes of the chest, abdomen,  
6 genitals, extremities, arms and her legs, and her back.

7 Q Now, you stated that these are associated  
8 findings. Were these associated findings, the blunt  
9 trauma to the head, the fracture of the nose, the  
10 ingestion and aspiration of blood, multiple  
11 lacerations, contusions, abrasions to the chest,  
12 abdomen, genitals, extremities and dorsum, are those  
13 injuries that were inflicted that were not the cause of  
14 death, would be in addition to the cause of death?

15 A Yes, sir, that's correct. While these  
16 injuries may play some role in her death, the injuries  
17 taken by themselves would not be sufficient to produce  
18 death.

19 Q Now could you tell whether these injuries  
20 occurred during her lifetime or after death?

21 A These injuries as I described occurred during  
22 her life. There were some injuries that actually  
23 occurred after death, but they may have been due to  
24 manipulation of the body or such.

25 Q Now, what is a defensive wound?

1       A           A defensive wound is a forensic term which  
2       was coined to describe the finding, the repeatable  
3       finding, of injuries to the extremities or injuries to  
4       the body part in which the person will try to protect  
5       themselves. Classically it is used when a person has  
6       been attacked by a knife where they use their hands to  
7       push away the sharp instrument and receive cuts across  
8       the palm or the palm-side of the fingers in order to  
9       protect their central body area. That's one type of  
10      defensive wound.

11               The second type of defensive wound is used  
12      when a blunt trauma-type of assault or a blunt weapon  
13      is used and the person tries to defend themselves from  
14      blows or kicks by putting their arms up, and frequently  
15      on the little finger side of the arms known as the  
16      ulnar surface where a person will try to block and will  
17      receive a series of injuries or even fractures in that  
18      area to ward off the blow. Additionally, if a person  
19      is on their back or is able to put a leg up, they may  
20      bring their legs up and protect their body by putting  
21      the knees and the shin bone in front of the body to  
22      protect it.

23               So defensive wounds is a forensic term which  
24      is used to describe a pattern of injury on various body  
25      surfaces indicating that person was trying to ward off

1 a certain type of assault.

2 Q Were any of these defensive injuries present  
3 upon the remains of Billie Hall?

4 A Yes, sir, I believe some could be interpreted  
5 as defensive wounds.

6 Q And where were those?

7 A They would be on the -- as I described, on  
8 the forearms, on the ulnar side of the forearms and on  
9 the back of the forearm and on the back of the hand.

10 Q I'm sorry? The back of the hands and where  
11 else?

12 A The back of the hands, the forearm, both on  
13 the ulnar side and on the back of the forearm, and  
14 additionally there are some bruises on the front of the  
15 thighs, knee and shin area, some of which could have --  
16 or could be interpreted as being defensive wounds.

17 MR. WOODALL: Judge, I'd like to bring the  
18 mannequin in and have Dr. Smith draw these injuries out  
19 for us at this time.

20 THE COURT: All right, bring it in.

21 Q While they're setting that up, one phase that  
22 you do in the autopsy protocol is what we refer to as  
23 the microscopic summary; is that correct?

24 A Yes, sir.

25 Q And I'm noticing in looking in your autopsy

1 report you start with abrasions and continue with some  
2 contusions starting with A through N; is that correct?

3 A Yes, sir.

4 Q I'll ask you as you go into your drawing to  
5 explain that to the jury.

6 A Yes, sir.

7 Q If you'll come forward at this time.

8 MR. WOODALL: Can everybody see this okay? I  
9 hesitate to try to turn it a little bit.

10 Q If you'll come down here. First, what was  
11 the physical size of Billie Hall?

12 A Mrs. Hall was five feet four inches tall and  
13 weighed 122 pounds.

14 Q Five foot four, 122.

15 A Yes.

16 Q I would like to ask you to make your autopsy  
17 report an exhibit to your testimony and use it during  
18 the course of your testimony.

19 MR. WOODALL: I believe that will be State's  
20 Exhibit Number 7.

21 **(Exhibit 7 was marked and entered.)**

22 Q Doctor, if you'll come down here, with  
23 permission of the Court.

24 THE COURT: Step down, Doctor.

25 A That's my original.

1 Q Well we'll substitute a copy.

2 THE COURT: What do you want him to do,

3 General?

4 MR. WOODALL: I want him to go through and  
5 chart all the injuries as to blows, contusions and  
6 abrasions, defensive wounds, every blow that she  
7 received.

8 A If I can, I'll use a green color to indicate  
9 the area of injury on her body. Starting at the top of  
10 the head, using this green pencil, there is an area of  
11 bruising of the scalp in that area (indicating).  
12 Additionally, there is a bruise behind the left ear,  
13 and there is a bruise behind the right ear that also  
14 involves the right ear.

15 Q Did these three bruised areas affect the  
16 skull underneath or cause any subdural hematomas?

17 A No, sir, there's no skull fractures and there  
18 were no particular findings of injury to the brain.

19 Q What type of instrument would cause the  
20 injuries that you just pointed out?

21 A It could be several things. It could be a  
22 blow with a broad, flat object. The person could  
23 either be struck by that object or they could be  
24 propelled into a broad, flat object. Additionally, if  
25 one grabs the hair and pulls, it can separate the scalp

1 from the skull and leave very similar findings.

2 Continuing with the back, she had a skin  
3 scrape about here, another skin scrape there and there,  
4 an area of bruising here, here, skin scrapes here,  
5 here, here and here are some skin scrapes, a bruise  
6 here, a pattern of bruises here (indicating), which the  
7 distance between the parallel lines is eight-tenths of  
8 an inch.

9 Q And what does that indicate to you?

10 A It indicates some sort of object that had  
11 parallel edges about eight-tenths of an inch apart, or  
12 approximately that since the skin is elastic and does  
13 not give precise measurements. But it indicates that  
14 the instrument or object used probably had parallel  
15 sides and it may have been more of a square shape than  
16 a rounded shape. Adjacent to that is more skin  
17 scrapings.

18 Q Are any of these scrapings consistent with  
19 being drug on pavement?

20 A It's a possibility. The abrasions or skin  
21 scrapes did not -- I didn't find grit in them, but the  
22 body having been wet, all of that may have been washed  
23 out, but it's possible. It's possible. And another  
24 skin scrape here, and on the back of the right arm is a  
25 bruise here, back of the forearm, skin scrape and

1 bruise, another skin scrape and bruise here, bruise  
2 here on the ulnar side of it, back of the forearm, a  
3 bruise there and an abrasion above it here and here and  
4 a bruise there (indicating). These bruises were in  
5 between the knuckles, not on top of the knuckles.

6 Q Are these what we call defensive wounds?

7 A The ones here (indicating), on the back of  
8 the forearm and the ulnar side of the forearm and the  
9 back of the hands could be. This hand was bruised  
10 here, and the base of the thumb was bruised, and then a  
11 area of skin scraping right inside the base of the  
12 right thumb. A few abrasions here at the point of the  
13 shoulder, skin scrapes to the back o the left elbow,  
14 and to the forearm there is some bruising here, here,  
15 here, here, here. There is an abrasion or skin scrape  
16 or a bruise to the back of the hand here (indicating).

17 Q Any of those defensive wounds?

18 A Yes, sir, again, they could be on the back of  
19 the forearm, and on the back of the hand could be also.

20 Q Okay.

21 A On the front of the arms we have skin scrapes  
22 and bruises here, here and here, bruise here, here and  
23 here. On the right there is an area of bruising and  
24 some skin scraping, an area of bruising here. I  
25 already discussed the wrist and the hand. In the chest

1 area, there was an area of skin scraping and bruising  
2 here, a bruise here, a pattern of bruises here  
3 (indicating).

4 Q Can you tell us anything about what that  
5 pattern of bruising indicates?

6 A These are small round bruises. The exact  
7 mechanism of that is not discernible, but any time one  
8 sees a cluster of bruises like this may think that it's  
9 a possibility that a knuckle pattern could be there,  
10 but again, that's just one possibility. Nothing would  
11 say that it'd have to be. The front of the body shows  
12 an area of bruising. Let's see the back. There is an  
13 area of bruising here, bruise here, series of bruises  
14 here, here, there and abrasion which goes upward  
15 through all the way to the front of the body. It shows  
16 an area of bruising in the groin region here and  
17 bruising adjacent to the labia here. The front of the  
18 thigh shows bruising here, here. There is a long  
19 bruise here, here. This is skin scraping in this  
20 direction next to her knee, bruising here, bruises  
21 about in this position, about here. On this foot there  
22 is skin scraping and bruises here, more skin scrapes  
23 here in this direction, another one here at the ankle,  
24 skin scraping going up here, an area of skin scraping  
25 and bruising here, bruise to the skin here, here and



1 here, skin scraping and bruising by the knee, bruises  
2 on the outside of the knee, skin scrape above the knee  
3 and some bruises here, here and there. On the right  
4 side of the head are areas of skin scrape here, with an  
5 area of bruising up around here, across the nose.  
6 There is a fracture of the nose. There are abrasions  
7 at the jaw line here and here. There is an area where  
8 the skin is torn, you know, laceration, as well as skin  
9 scrapes and bruises in that area. That extends back  
10 behind the jaw line. This is an area of bruising, area  
11 of skin scrape behind that, more bruising there, skin  
12 scraping in front of the left ear, areas of abrasions  
13 here, skin scraping. The bruising that occurred around  
14 the front of the face on the right continued around the  
15 left eye. At the base of the neck here there is more  
16 skin scrapes and bruises, and back to the front of the  
17 face there is an area of bruising here, more bruising  
18 here with a pattern of skin scrape here and another  
19 pattern of skin scrape that had sort of a triangular  
20 appearance to it here, more skin scrapes there. There  
21 is a bruise here, three bruises, skin scrapes and skin  
22 tearing here, skin scrape here, (indicating).

23 I think that completes it.

24 Q Take the stand, Doctor. How many separate  
25 blows, abrasions, contusions have been inflicted upon

1 Billie Jo Hall prior to her death?

2 A In some areas it's difficult to say because  
3 it's too close, right in the same area of the bruises,  
4 that may become obscure. They obscure each other. It  
5 may appear as one blow but... In examining her body,  
6 it was my opinion that there was -- I think I counted  
7 83 areas that were separate enough to suggest them  
8 having been inflicted by a separate blow, but again, I  
9 can't always separate the blows if they come close to  
10 one another.

11 Q Could it be more than 83?

12 A Yes, sir. Additionally, in all fairness,  
13 without knowing the specific as to what she may have  
14 been injured with, it's difficult to say precisely it's  
15 83 blows and no less. So it could be less than that,  
16 it could be more than that. I'd have to have more  
17 information regarding the types of things that were  
18 done that may suggest an instrument that either had a  
19 greater or lesser wounding power.

20 Q Would each one of these wounds individually  
21 be painful?

22 A Yes, sir.

23 Q And as each separate wound was inflicted,  
24 would the level of pain increase?

25 A Yes, each wound would be painful. Some

1 wounds are more painful than others. Others are  
2 obviously more minor. But they could all produce pain.

3 Q And the more separate wounds that are  
4 inflicted, the higher the experience of pain.

5 A The interpretation of pain is not a simple  
6 matter. Pain is a two-fold phenomenon. First off, the  
7 body has to be intact enough to receive pain signals.  
8 The nerves have to talk to the brain and say that this  
9 area has received an injury. Additionally, there has  
10 to be an emotional interpretation of that signal,  
11 without which the person would not actually experience  
12 pain as you and I might commonly think. So it's a two-  
13 fold phenomenon. Both of those have to be intact. At  
14 some point in time it's possible to have an emotional  
15 override and not feel a cumulative sensation of pain.  
16 But again, there's a very individualistic response, and  
17 I could not testify as to whether that was working or  
18 not in this case.

19 Q Would the injuries caused by blunt force and  
20 the abrasions and the contusions, individually while  
21 they could add up to be more and more painful, would  
22 they have produced death?

23 A The injuries that I have described on the  
24 mannequin would not in and of themselves produce death.  
25 The bruises that are deep inside the body that weren't

1 seen, depicted on the mannequin, the ones that are  
2 inside the lips, the ones that are on the tongue, but  
3 more importantly, the ones that are deep inside the  
4 neck, the fact that there was two ounces of blood in a  
5 clot back behind her throat can cause enough pressure  
6 to build up in the neck over a period of time to  
7 actually cause death. But again, the signs would be  
8 very similar to those of strangulation. So that injury  
9 to the neck can be serious, if not fatal.

10 Q Is there any way based upon the injuries that  
11 you have observed and the extent of the internal  
12 injuries, can you estimate how long it took to inflict  
13 these types of injuries?

14 A Not precisely. In many instances I looked --  
15 I removed these areas of injury from her body and  
16 looked at them under the microscope and saw that there  
17 was no inflammatory response. That would indicate that  
18 they were probably inflicted within two hours of death.  
19 Now closer than that, I can't be precise. There was  
20 one injury which was older than two hours, but again,  
21 that may not even have been a part of the pattern of  
22 injury that led to her death. It was a bruise on the  
23 right thigh, and it was a little bit older. And one  
24 certainly can get one bruise in the course of daily  
25 activity. However, having said that, all the injuries

1 had the appearance of being contemporaneous, at or  
2 about the same time, so that from a medical standpoint  
3 of view, I couldn't separate them as far as time or  
4 sequence.

5 Q In terms of -- How many similar beating cases  
6 having you participated in the autopsy in during the  
7 years, Doctor?

8 A I don't have a precise number, but it's a  
9 fairly common mechanism of homicide.

10 Q And based upon that, the injuries inflicted  
11 or the total as the injuries compound one upon the  
12 other, is this a light beating, a moderate beating, a  
13 very severe beating?

14 A As far as the extent goes, it's a very  
15 extensive beating. As far as the severity goes, except  
16 for the injuries to the neck, they're not life-  
17 threatening.

18 Q Now does that indicate to you that there was  
19 -- other than the injuries that actually produced  
20 death, the strangulation, and if I told you that the  
21 proof in this case has been that the beating started in  
22 the bedroom, went outside to a driveway, continued as  
23 there was a dragging approximately 100 feet from the  
24 driveway to the swimming pool, and that Billie Hall was  
25 seen and heard to be screaming, kicking and hollering

1 as she was drug down to the swimming pool, would the  
2 non-death causing injuries indicate any effort of  
3 control or any effort to inflict extreme pain or an  
4 effort to control?

5 A The pattern of injury suggests that there is  
6 targeting present, the face, the head, the neck, in  
7 particular are areas in which intent is demonstrated.  
8 The bruises to the arms and the legs may indicate  
9 intent upon the victim to defend or protect the body.  
10 So there are defensive wounds. We also have  
11 progressive wounds of intent. Whether that indicates  
12 control in this instance, the findings would be  
13 insufficient to state the specific motive for targeting  
14 those areas. However, the neck injuries would probably  
15 go with the greatest weight of obtaining control  
16 because it is a very easy area to gain either dominance  
17 or total control of the individual by controlling their  
18 airway. But that's about as much as I can say from a  
19 medical standpoint.

20 Q Can you tell us from that -- The testimony is  
21 that the body of Billie Jo Hall was found floating face  
22 down in this swimming pool. Can you tell us whether  
23 the final means of strangulation and the preventing her  
24 from breathing occurred in that swimming pool?

25 A No, sir, I couldn't state specifically to

1 that. She was able to swallow water into her stomach,  
2 and there were changes, chemical changes, in her blood  
3 indicating some dilution of her bloodstream by water,  
4 as is typical of drowning. If a person has total  
5 control of her airway which prevented her from  
6 breathing, then she would not be able to bring water  
7 into her airway. But again as I stated in the  
8 narrative of my findings, that she died as a result of  
9 asphyxia. The most profound changes are those  
10 consistent with strangulation by the hand, but there's  
11 also an additional component of drowning which may be  
12 contributory.

13 Q Was Billie Hall's death a painful death?

14 A Yes, sir. These injuries and the mechanism  
15 of strangulation and drowning can be painful.

16 MR. WOODALL: That's all.

17 - - - - -

18 **CROSS-EXAMINATION**

19 **BY MR. FORD:**

20 Q Dr. Smith, I believe you stated that there  
21 was very little time between the blows, that they were  
22 contemporaneous, meaning that this all occurred in a  
23 short period of time. Would that be correct?

24 A Partly correct. It means that they occurred  
25 in such a period of time that medically I can't say

1 this one is older than this one and imply a sequence.  
2 A person could have findings very similar to this  
3 having been injured over about a two-hour period. But  
4 again, the wounds are so close together, and we're  
5 talking probably a matter of several minutes to a  
6 quarter hour in which these injuries could occur  
7 without that much difference between them. It could be  
8 somewhat longer; it could certainly be somewhat less.  
9 But medically I can't separate out the age of the  
10 injuries, with the exception of one bruise to the right  
11 thigh that's several hours old.

12 Q Several minutes to a quarter of an hour?

13 A Yes, sir, that could be a reasonable length  
14 of time to receive this number and extent of injuries  
15 in which I wouldn't be able to tell you which one came  
16 first and which one came second.

17 Q My next question, you stated that there were  
18 certain areas that were targeted in this episode, and  
19 you've talked about aggressive wounds. You're  
20 referring to the wounds around the eyes, face and nose  
21 as aggressive wounds, or to the throat? I'm --

22 A Yes, sir, I was referring predominantly to  
23 the wounds of the head and neck, the top of the head,  
24 the sides of the head involving the ears, the fracture  
25 of the nose, the numerous bruises and skin scrapes



1 around the eyes and then the bruises to the inside of  
2 the lips and under the chin and then the deep bruises  
3 inside the neck. These would be areas that aren't  
4 normally injured by accident and would then indicate an  
5 intent or a target.

6 Q Would you say that aggression is equivalent  
7 to anger?

8 A Anger is an emotion. Aggression is violent  
9 behavior.

10 Q But they are kind of intertwined when you  
11 have a result such as this; are they not?

12 A Certainly. One can certainly lead to the  
13 other. Anger can progress into violent behavior.

14 MR. FORD: Thank you, Your Honor.

15 MR. WOODALL: That's all the State has at  
16 this time. I'd ask the witness to stay here just a  
17 minute, outside the courtroom.

18 MR. WOODALL: State rests, Your Honor.

19 THE COURT: Mr. Ford, Mr. Mayo, are you ready  
20 to proceed?

21 MR. FORD: Yes, sir. There's a matter we  
22 need to take up outside the presence of the jury, Your  
23 Honor.

24 THE COURT: Let's move this mannequin back  
25 over here out the way some place.

1 Let the jury go to the jury room.

2 (The jury was excused from open  
3 court, and the following proceedings  
4 were had to-wit:)

5 MR. FORD: At this time we'd move for  
6 Judgment of Acquittal. We don't feel that the State  
7 has made out a case of premeditated first degree  
8 murder.

9 THE COURT: The Court overrules your motion.

10 MR. FORD: All right, Your Honor, we have a  
11 witness who is in route, should be here we're told by  
12 2:30. We would ask the Court to indulge us.

13 THE COURT: I'll indulge you, but let's go  
14 with the other witness.

15 MR. MAYO: Your Honor, we've got one witness  
16 we can call. That'd be fine. It won't take until  
17 2:30, but we can call one witness.

18 THE COURT: Whatever witness you have I  
19 request you put it on.

20 MR. FORD: We're going to do that, but we may  
21 need some additional time for this witness to come from  
22 Memphis.

23 THE COURT: Let's cross that bridge when we  
24 get to it.

25 MR. FORD: Yes, sir.